

Table of Contents

PDF1	PDFChris Pidgeon, GSP Group, 299 and 301 Hardy Road
PDF2	Chuck Beach, New Forest Mapping Updates
PDF3	Douglas W Stewart, Arcadis Professional Services, on behalf of behalf of Samarlin Homes
PDF4	Douglas W Stewart, Arcadis Professional Services, on behalf of behalf of behalf of Allumination Siding & Windows
PDF5	Douglas W Stewart, Arcadis Professional Services, on behalf of behalf of behalf of 1884398 Ontario Limited
PDF7	Oz Kemal, MHBC on behalf of KSNADG Lynden Park Inc.
PDF8	Oz Kemal, MHBC on behalf of 40 Richmond GP LTD.
PDF9	Oz Kemal, MHBC on behalf of 25 William Ltd.
PDF10	Jennifer Staden, Glen Schnarr & Ass. Inc., on behalf of Cachet Homes.
PDF11	Melissa Visser, MHBC on behalf of Losani Homes
PDF12	Lindsey Goncalves, Corbett Land Strategies Inc. (CLS), on behalf of Multani Custom Homes - 339 Erie and 0 Dover Avenue
PDF13	Lindsey Goncalves, Corbett Land Strategies Inc. (CLS), on behalf of Multani Custom Homes - 246-250 Grand River Avenue
PDF14	Odete Gomes BES MCIP RPP, Associate Arcadis Professional Services on behalf of Brantford Home Builders Association
PDF15	Melissa Visser, MHBC on behalf of Primont Homes
PDF16	Sara Gregory, Senior Planner, Bousfields, on behalf of Virgoan Properties Ltd. and Bielly Knowles Holdings
PDF17	Melissa Visser, MHBC on behalf of Granite REIT
PDF18	Laura Warner, Resource Planner, Grand River Conservation Authority
PDF19	Catherine McEwan, Korsiak Urban Planning, on behalf of Mattamy Homes
PDF20	Douglas W Stewart, Arcadis Professional Services, on behalf of behalf of behalf of the Tutela Heights West Landowners Group Inc.
PDF21	Stephanie Mirtitsch, MHBC, on Behalf of Hershey Canada Inc. (Hershey)
PDF22	Stephanie Mirtitsch, MHBC, on Behalf of Telephone City Aggregates
PDF24	Matt Bell, Project Manager Construction, Valour Construction
PDF26	Wes Atchison, Executive Assistant to the President & Board Liaison St. Joseph's Health Centre Guelph & St. Joseph's Lifecare Centre Brantford
PDF27	George Ziotek, on Behalf of 182 Grand River Avenue
PDF28	Cynthia Baycetich, Planner, CB Planning on behalf of 3 Tollgate Road
PDF29	Stephanie Mirtitsch, MHBC, on behalf of Panattoni Development Company
PDF30	Diana Tse, WSP, on Behalf of CN Rail
PDF31	Mike Leschuk, Leschuk Developments
PDF32	Douglas W Stewart, Arcadis Professional Services, on behalf of behalf of Samarlin Homes
PDF33	Anni Okonkwo, Chief Development Officer
PDF34	OZ Kemal MHBC, on Behalf of KSNADG Lynden Park Inc.
PDF35	Douglas W Stewart, Arcadis Professional Services, on behalf of behalf of behalf of Allumination Siding & Windows
PDF36	Caitlin Port, MHBC on behalf of Lafarge Canada
PDF37	Courtney Boyd, Waterous Holden and Amey Hitchon, Associate Lawyer, on behalf of John Neate, Colborne Street West
PDF38	Stefano Rosatone, BES, Planner, Urban Solutions, on behalf of 50 Iroquois Limited
PDF39	Anwar Hussain, Plant Manager, Ingenia Polymers Corp.

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City of Brantford Draft Zoning By-law (November 2023) - Comment Matrix

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1	12/21/2023	Chris Pidgeon MCIP, RPP GSP	Submitted comments for 299 and 301 Hardy Road. Submitted comments contained in PDF1 attached.	<ul style="list-style-type: none"> This matter is currently at the OLT. The project team will ensure the appropriate zoning is reflected in the Draft Zoning By-law based on the future decision.
2	1/12/2024	Chuck Beach	Submitted comments contained in PDF2 attached.	<ul style="list-style-type: none"> Mapping has been changed to extend Core Natural zoning to the property boundary.
3	1/18/2024	Douglas W Stewart, Arcadis Professional Services, on behalf of behalf of Samarlin Homes	On behalf of our client, please find attached a letter outlining their comments related to the proposed Zoning By-law.	<ul style="list-style-type: none"> Townhouses are not planned to be permitted as of right throughout the NLR zone but may be appropriate on some infill sites through a zoning amendment. Site specific regulations will be in the next version of the ZBL. <i>Section 5.7 revised to specify that a parking space can be located in a private garage.</i>
4	1/19/2024	Douglas W Stewart, Arcadis Professional Services, on behalf of behalf of Allumination Siding & Windows	On behalf of our client, please find attached their comments related to the proposed City of Brantford Zoning By-law.	<ul style="list-style-type: none"> Townhouses are not planned to be permitted as of right throughout the NLR zone but may be appropriate on some infill sites through a zoning amendment. Site specific regulations will be in the next version of the ZBL. <i>Section 5.7 revised to specify that a parking space can be located in a private garage.</i>
5	1/22/2024	Douglas W Stewart, Arcadis Professional Services, on behalf of behalf of 1884398 Ontario Limited	On behalf of our client, please find attached their comments related to the proposed Zoning By-law.	<p>Thanks for the time you have taken to review the documents and prepare feedback on behalf of 1884398 Ontario Limited</p> <ul style="list-style-type: none"> Providing additional dwelling units doesn't change the minimum lot area. <i>A footnote has been added. Section 5.7 will be revised to specify that a parking space can be located in a private garage.</i>
7	1/24/2024	Oz Kemal, MHBC on behalf of KSNADG Lynden Park Inc.	Attached please find our Submission Letter regarding the City of Brantford draft Zoning By-law.	<ul style="list-style-type: none"> Retail warehouses are now covered by retail store. The existing site-specific parking provisions will be carried forward. <i>Public storage warehouse will be added as a site-specific permitted use. The min. building height will be removed from non-residential uses in the MCC zone.</i> The performance standards for high density buildings are appropriate.
8	1/25/2024	Oz Kemal, MHBC on behalf of 40 Richmond GP LTD.	Letter on behalf of our client regarding property at 40 Richmond Street, with respect to the new draft Zoning By-law.	<ul style="list-style-type: none"> Thank you for the info on your proposed development.
9	1/25/2024	Oz Kemal, MHBC on behalf of 25 William Ltd.,	Letter on behalf of our client regarding property at 25 William Street, with respect to the new draft Zoning By-law	<ul style="list-style-type: none"> Thank you for the info on your proposed development.
10	1/25/2024	Jennifer Staden, Glen Schnarr & Ass. Inc., on behalf of Cachet Homes.	<p>On behalf of Cachet Homes, please find attached a letter of comment on the City of Brantford's draft Zoning By-law (November 2023).</p> <ul style="list-style-type: none"> 205, 209, 211 Mount Pleasant Street (City File: PI-49-23) 299 Mount Pleasant Road (City File: PI-78-23) 367, 389, 393, & 409 Mount Pleasant Road (City File: PI-75-23) 	<ul style="list-style-type: none"> The project team doesn't support reduction in rear yard, or front landscaped open space. We also don't support less than 6 metre frontages for a street townhouse with a front facing garage to ensure the garage occupies no more than 50% of the front facade. We also don't support the change in height. <i>We do however, support decrease in the minimum front landscaped open space provision.</i>

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11	1/25/2024	Melissa Visser, MHBC on behalf of Losani Homes,	On behalf of our client, Losani Homes, please find attached our comments for consideration on the City of Brantford's New Zoning By-law.	<ul style="list-style-type: none"> 501 Shellard Lane - The next version of the zoning by-law will contain the site-specific provisions. The holding provision has been revised to provide for dual use through the site-specific provision. 544 Shellard Lane - This application should continue through the approval process and be consolidated once it is approved.
12	1/26/2024	Lindsey Goncalves, Corbett Land Strategies Inc. (CLS), on behalf of Multani Custom Homes	Corbett Land Strategies Inc. (CLS), on behalf of Multani Custom Homes, is pleased to submit the following comments in response to the new City of Brantford Zoning By-law. Based on our review of the Draft Zoning Bylaw, CLS has comments and concerns as it pertains to the subject property located at 339 Erie and 0 Dover Avenue. Please find attached a letter with our feedback.	<ol style="list-style-type: none"> 339 will be changed to RMR zone to reflect the recent application. Standards for street townhouse standards with front facing garages will be added. Landscaping clarified as front yard landscaped open space and has been reduced. OP requires midrise buildings to be a min. of 3 storeys. No, back-to-back townhouses are not block townhouses. Block townhouses are under one ownership or condo; street townhouses are freehold on a public or private street. Yes, section 5.7 has been clarified that a parking space can be in a private garage.
13	1/27/2024	Lindsey Goncalves, Corbett Land Strategies Inc. (CLS), on behalf of Multani Custom Homes	Corbett Land Strategies Inc. (CLS), on behalf of Multani Custom Homes, is pleased to submit the following comments in response to the new City of Brantford Zoning By-law. Based on our review of the Draft Zoning Bylaw, CLS has following comments and concerns as it pertains to the subject property located at 246-250 Grand River Avenue. Please find attached a letter with our feedback.	<ol style="list-style-type: none"> Site specifics will be addressed in the next version of the zoning by-law. (RHD-3) Outdoor amenity space can be on roofs and podiums, and the rates provide some flexibility between indoor and outdoor. Yes, that is correct per unit. The tower setbacks ensure intensification feasible on adjoining properties & provide for light & privacy. Yes, site specific exceptions will be carried forward.
14	1/29/2024	Odete Gomes BES MCIP RPP Associate Arcadis Professional Services, Brantford Home Builders Association	Submitted questions on behalf of the Brantford Home Builders Association.	<ol style="list-style-type: none"> As of right zoning in Mixed Use zones supports redevelopment. Duplex and triplex dwellings are now covered by additional dwelling units (ADU). And Townhouses are not appropriate in all zones. Existing differentiates from the Greenfield zones. Site specifics will be in next version. <i>Yes, all changed to Live-Work Units</i> <i>Yes, all changed to additional dwelling units.</i> No, ADUs do not have to provide the minimum lot area. Yes, section 5.7 has been revised to clarify a private garage counts as a parking space. The applicant will need to prove that they meet the definition of affordable housing and it has to be in an apartment dwelling. <i>In the Downtown the parking rates or apartments in an apartment dwelling and a mixed-use building will be changed to be the same which reflects the reduction in parking rates in the downtown. With the reduced apartment rate, the parking exemption only applies to commercial uses.</i> Thanks for the comments on the zoning maps.

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15	1/26/2024	Melissa Visser, MHBC on behalf of Primont Homes,	On behalf of our client, Primont Homes, please find attached our comments for consideration on the City of Brantford's New Zoning By-law.	<ul style="list-style-type: none"> • Greenfield Neighbourhood Low-Rise Zone; Many of the standards are too small to recommend. The fire department has recommended 3m separation between townhouses hence the 1.5 side yard. A 3-story townhouse can easily fit within 12m either as a flat roof or the 3rd floor can be accommodated in the roof line. e) 4.5m front yard setback; Need 6m to the garage which can comprise up to 50% of the facade. However willing to <i>allow remaining building portion be setback 4.5 metres.</i> f) Min front yard of 3 metres; is too small to accommodate landscaping and infiltration. g) No less than 6m is supported for townhouses with front access garages to ensure garages comprise of no more than 50% of the facade. <i>Can support 5 m for lane-based townhouses.</i> h) <i>Coverage is being removed in the GNLR Zone.</i> j) <i>Agreed that front yard landscaped open space will be reduced.</i> k) The outdoor amenity space requirement for back-to-back townhouses is to be required on each freehold lot which can be accommodated on the roof. • RH and MCC Zone; Although the urban design guidelines are a key factor in managing new development, some provisions need to be included in a ZBL to ensure consistent approach to key building requirements to ensure fit and compatibility. 3. General zoning regulations - encroachments; Heights of 35 storeys in the RH and MCC zones should be considered through site specific applications as they may not be appropriate on many sites in the city. 4. a) The parking size will not be revise
16	1/26/2024	Sara Gregory, Senior Planner, Bousfields, on behalf of Virgoan Properties Ltd. and Bielly Knowles Holdings	Submitted comments on behalf of Virgoan Properties Ltd. and Bielly Knowles Holdings with respect to their lands west of Golf Road between Powerline Road and Paris Road (250 Golf Road, 570 Powerline Road), known as the Balmoral Block Plan Area.	<ul style="list-style-type: none"> • Thank you for the concerns on lot standards. We disagree that the lot frontages don't permit a variety of unit sizes. The landscaped open space provisions have been revised. See earlier comment on UDG versus zoning.
17	1/26/2024	Melissa Visser, MHBC on behalf of Granite REIT,	On behalf of our client, Granite REIT, please find attached our comments for consideration on the City of Brantford's New Zoning By-law.	<ol style="list-style-type: none"> 1. <ol style="list-style-type: none"> a. <i>Section 3.1 revised to permit accessory uses in all zones.</i> b. <i>The parking rate of 1 space per 200 sq metre is now maintained.</i> c. <i>The former Business Park zone had 15% landscape open space. The General Industrial zone had 10%. Recommend GE zone be changed to 10% and PE zone stay at 15%.</i> d. <i>Revision made to the Draft: the rear yard abutting another industrial zone = 3 metre.</i> 2. <ol style="list-style-type: none"> a. Mapping has been revised. b. Site specifics are being carried forward for each. c. Zoning boundaries have been revised. 3. Zoning boundaries have been revised
18	1/26/2024	Laura Warner Resource Planner Grand River Conservation Authority	Please find GRCA's comments attached with respect to GRCA's review of the City of Brantford's New Zoning By-law (November 2023).	<ol style="list-style-type: none"> 1. Zones are not defined in the by-law. The zone implements the OP designations where features are identified. 4. Change made to reference GRCA policies. 5. Change text to say may be exempt subject to GRCA permit review

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19	1/26/2024	Catherine McEwan, Korsiak Urban Planning, on behalf of Mattamy Homes	Comments on behalf of Mattamy Homes with respect to the proposed new Draft Zoning By-law amendments, attached please find our letter outlining our comments.	<p>Section 2.14: Agreed General Provision will be added that where there are multiple condos on a lot, it will be treated as one lot.</p> <p>3.11: Agreed, need to address private streets</p> <p>3.14: 3.14 conflicts with 3.26 revised to remove conflict</p> <p>3.20: Disagree with 20m2 GFA for a live-work unit as it does not create a functional live-work unit, other changes not supported</p> <p>3.22 a) iii) the term street means on existing or new street;</p> <p>a) iv) No change required to the maximum number of model homes</p> <p>3.26 (1): Porches revised to 0.6m & 1.2m from side lot line & 1.5m to all other lot lines;</p> <p>3.26 (4). Revised to reflect 1 metre encroachment with a maximum width of 3 metres.</p> <p>3.26(5): For HVAC 0.3 metres is too close to the lot line</p> <p>4.128: This is a public lane</p> <p>5.15: There is shared parking for visitor and non-residential, see table 18.</p> <p>Permitted Non-residential uses IC ZONE Table 21; Agree will add sales office and public storage.</p> <p>6.8: Agreed will add "provisions for back-to-back townhouse dwellings".</p> <p>Agree to eliminate lot coverage.</p> <p>Agree to reduce minimum height for non-residential buildings.</p> <p>Agree to eliminate building step back and leave to UDG.</p> <p>Upon review of other by-laws, those that had provisions required greater amenity areas for stacked townhouses.</p> <p>No change made.</p> <p>7.0. No need to add elementary school as a permitted use to residential zones as it is City's practice to dual zone vacant school sites.</p> <p>7.5.1: Agree to eliminate maximum coverage lot provisions.</p> <p>The minimum outdoor amenity space requirements for townhouses with integral rear garage is appropriate and no change will made.</p> <p>Table 27: Agreed to reduce 2.5m for minimum rear yard for street townhouse on a lane as too large and can result in cars parking perpendicular to the rear of the garage.</p>
20	1/26/2024	Douglas W Stewart, Arcadis Professional Services, on behalf of Tutela Heights West Landowners Group Inc.	Please accept the attached comments prepared on behalf of the Tutela Heights West Landowners Group Inc. as they related to the Proposed City of Brantford new Zoning By-Law (November 2023).	<ul style="list-style-type: none"> Development zone will be replaced with specific zones at the draft plan stage when specific zone boundaries are known. Stormwater Management Facilities - Agreed that SWMF needs to be added as a permitted use in OS zone. P.4 Recommended zoning table- Several of the OP designations are not accurately shown in the zoning by-law along Mount Pleasant Road. The zoning has been revised to match the OP.
21	12/29/2024	Stephanie Mirtitsch, MHBC, on Behalf of Hershey Canada Inc. ("Hershey"),	On behalf of our client, Hershey, please find attached our comments for consideration on the City of Brantford's New Zoning By-law as it relates to 140 Oak Park Road.	<ul style="list-style-type: none"> The mapping discrepancies have been addressed.

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22	2/29/2024	Stephanie Mirtitsch, MHBC, on Behalf of Telephone City Aggregates	On behalf of our client, TCA please find attached our comments for consideration on the City of Brantford's New Zoning By-law.	<p>1. Cornell Lands: The property will remain as Core Natural zone but with a site specific to permit the modified policy area 24 permitted uses of Prestige Employment</p> <p>2. Oak Park Rd at Wright Street: The zoning has been changed to Neighbourhood Commercial</p> <p>3) The zone boundaries have been revised.</p> <p>4)</p> <p>a. Accessory uses are permitted in all zones.</p> <p>b. warehouse parking will be changed to 1/200m2.</p> <p>c. Minimum landscape open space requirements will be revised as previously indicated in this matrix.</p>
24	1/30/2024	Matt Bell Project Manager, Construction, Valour Construction	<p>Further to the previous email to show the issues with setback and the 5m division on between an Attached ADU (addition) and a Detached ADU, please see attached preliminary sketch of what is considered a large lot downtown. With the new restrictions coming into place:</p> <p>1. I could not have a detached ADU to the West of the house as it is not 5m away from the primary building.</p> <p>2. I could not attach the ADU as an addition to the West side of the property because of lighting and bedroom egress requirements by building code (most homes have this restriction without changing the interior layout of the home).</p> <p>3. I could not put an ADU addition at the rear of the building due to 7.5m setback</p> <p>4. I could not put a detached ADU at the rear of the property due to 5m setback from primary building.</p> <p>The new zoning on this larger lot would stop the project dead in it's tracks. The zoning is severely restrictive for attached and detached ADU's even with ideal lots unless the ideal lot is ½ acre which the average property owner does not have.</p>	<ul style="list-style-type: none">• There is not a 7.5m rear yard setback for ADUs in an accessory building.• The project team recommends that situations such as this should be processed through a minor variance so the unique aspects of the site can be assessed.

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26	2/13/2024	Wes Atchison Executive Assistant to the President & Board Liaison St. Joseph's Health Centre Guelph & St. Joseph's Lifecare Centre Brantford	The attached sent on behalf of the Board Chair of St. Joseph's Lifecare Centre Brantford.	<ul style="list-style-type: none"> Site specifics are still being reviewed and will be included in the next version. Re: concept plans for a six-story apartment near the corner of Wayne Gretzky Parkway and Grey Street and single-story townhouse blocks to the rear of the Stedman Hospice: The project team recommends that considerations for future development concepts (i.e. High Rise and Mid-Rise development) advance through the appropriate planning and development processes (OPA, ZBA etc.). Hospice will be added as a permitted use in the Institutional Zones. The I.3-4 zone site specifics will be included in the site specifics in the new Zoning Bylaw Community centers are permitted in the I.2 Major Institutional zone.
27	2/16/2024	George Ziotek	As a follow-up from the January 29, 2024, New Zoning By-Law Public Meeting, please consider further information for review and comment.	<ul style="list-style-type: none"> The draft zone has been update to RMR which permits a range of mid-rise housing forms including apartments.
28	2/26/2027	Cynthia Baycetch Planner, CB Planning	Submitted comments contained in PDF28 attached.	<p>Thank you for the email and follow up voicemail yesterday. Below I share feedback on the comments provided on the new Zoning By-law and the subject property.</p> <p>Official Plan (Official Plan - Complete Document) The subject lands are designated Intensification Corridor in the City of Brantford Official Plan.</p> <p>Current Zoning By-law (160-90) (View) The current zoning for the subject lands is Residential Medium Density Type B Zone - R4B (24U)</p> <p>New City of Brantford Zoning By-law (November 2023) A draft of the new City of Brantford Zoning By-law (November 2023) is available for review:</p> <ul style="list-style-type: none"> The City of Brantford Draft New Zoning By-law (4.4MB) Interactive web map <p>The proposed zoning for the subject property is Intensification Corridor Zone (IC) View .The Intensification Corridor Zone permits a broad range of commercial and residential use in mid-rise and high-rise developments, to support transit and major roads linking Downtown and the Major Commercial Centres.</p> <p>Response to Comments Under the current Zoning By-law (160-90), it does not appear the proposed 4 additional units would be permitted. If you wish to move forward now, you will need to advance through the formal planning process (pre-con and ZBL process). Reviewing the proposed Zoning By-law (November 2023) Apartments are a permitted use in the Intensification Corridor Zone (IC). Without knowing your proposal in detail, it is likely that once the New Zoning By-law is in place a ZBL amendment would no longer be needed but other planning applications may still be required. The current zoning of the property 'R4B (24U)' will remain in place until the new Zoning By-law is in place for the City of Brantford.</p>

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29	2/28/2024	Stephanie Mirtitsch, MHBC, on Behalf of Pannatoni	On behalf of Pannatoni, we are pleased to submit the following comments regarding the City of Brantford's first draft of the Zoning By-law as it relates to the lands municipally addressed as 473 and 474 Oak Park Road	The Draft Zoning By-law implements the City of Brantford Official Plan and the Core Natural Areas Designation. The City of Brantford Official Plan Review utilized the 2014 Natural Heritage Strategy as the basis for the identified feature. Changing this feature would require an Official Plan Amendment. Supporting EIS studies still need to be provided.
30	2/28/2024	Diana Tse, WSP on Behalf of CN Rail	WSP Canada Inc., on behalf of CN Rail, has reviewed the draft new zoning by-law (November 2023). As such, CN Rail's comments remain the same, re-attached.	CN Rail requests a 300-meter overlay around the rail yard and prohibition of residential dwellings, schools, parks, and other sensitive land uses. The rail yard is currently surrounded by residential neighbourhoods. The Official Plan does not provide for such prohibition. It is not reasonable to prohibit uses that are currently designated and zoned to permit such uses. <ul style="list-style-type: none"> A 300m overlay around the railyard has been added to require noise and air quality studies to ensure that sensitive land uses can be developed without impact from the railyard as per the D6 guidelines. Requirement for 30m setback to a railway right of way is already in section 3.28.
31	3/5/2024	Mike Leschuk, Leschuk Developments	I have reviewed the proposed zoning by-law, specifically focusing on the Neighborhood Commercial Zone, the Intensification Corridor Zone, the Residential Medium Density, Residential High Density, and Major Commercial zoning categories. I appreciate the opportunity to provide my comments for your consideration. Please see the attached.	<ul style="list-style-type: none"> The project team agrees with standardizing ways of measuring height. All changed to metric. In agreeance to change the NC ground floor height to 4.5m and NR for AS zone. The 1.5m and 3m step back will be eliminated from the zoning bylaw and left up to the UDG.
32	3/7/2024	Douglas W Stewart, Arcadis Professional Services, on behalf of Samarlin Homes	On behalf of our client, please find attached supplementary comments related to the proposed Comprehensive Zoning By-law Amendment.	Thanks for the time you have taken to review the Draft Zoning By-law and prepare feedback. Re: Proposed development, the subject site should continue through the rezoning process.

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33	3/11/2024	Annii Okonkwo Chief Development Officer	I'm writing to submit comments regarding the new zoning by-law that is scheduled to take effect this year, particularly for 88 Golf Road that is currently zoned zone label: H2-N.	<p>Thank you for the time taken to provide feedback on the new Zoning By-law (November 2023). Below I provide a follow up response regarding the subject property, 88 Golf Road (*Roll: 2906010012044000000):</p> <p>Official Plan (Official Plan - Complete Document) The subject lands are designated Core Natural Areas in the City of Brantford Official Plan. In addition to the Core Natural land use designation, the subject lands are also identified within Official Plan Modified Policy Area: 6.9.26 Area 26 – 88 Golf Road a) In addition to the Core Natural Areas Designation on lands identified as Area 26 – 88 Golf Road on Schedule 10, low-rise residential uses may be permitted within the limits of a developable area to be defined in accordance with detailed planning, archaeological, servicing and environmental studies, including an Environmental Impact Study to ensure significant natural heritage features are protected to the satisfaction of the City and the Conservation Authority. Within the developable area, low-rise residential units will be developed in accordance with the Residential Designation and an implementing Zoning By-law.</p> <p>Current Zoning By-law (160-90) The current zoning for the subject lands is Holding – R1A Zone. There is currently a hold on the subject property as there is a provincially significant wetland on the property and the site is regulated through the GRCA and environmental studies will be required at the time of Planning Act applications. The subject lands are also located in close proximity to the CN Rail and MTO Highway 403 Corridor, which may include other restrictions on the site.</p> <p>New City of Brantford Zoning By-law (November 2023) A draft of the new City of Brantford Zoning By-law (November 2023) is available for review: • The City of Brantford Draft New Zoning By-law (4.4MB) • Interactive web map The proposed zoning for the subject property is ‘Holding – H2 N (Core Natural)’. The “H2” holding outlined in Section 15 of the Draft Zoning By-law has the following requirements to be lifted: H2 - “The developable area has been defined in accordance with detailed planning, archaeological, servicing and environmental studies, including an Environmental Impact Study to ensure significant natural heritage features are protected to the satisfaction of the City and the Conservation Authority.”</p> <p>Development Considerations Implementing the City of Brantford Official Plan and advancing the holding provision in the current Zoning By-law, the proposed zoning ‘Holding – H2 N (Core Natural)’ ensures that future planning processes will properly evaluate the potential for any future development through the required supporting studies and review process through an Official Plan Amendment and Zoning By-law Amendment. To consider the potential for development on the subject lands please follow the process outlined below:</p> <p>An application for a pre-consultation is required, in most cases, prior to making an application for an Official Plan Amendment, Zoning By-law Amendment, Approval of a Draft Plan of Subdivision, and Site Plan Approval. Here is where you can apply for the Pre-Consultation Meeting. This meeting provides you with an opportunity to review the proposed application with staff, discuss potential issues, and determine the requirements and materials to be submitted with the application for it to be considered complete.</p>

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PDF #	Date	Submission Contact	Document Comments	Response / Comments / Receipt
34	3/11/2024	OZ KEMAL MHBC, on Behalf of KSNADG Lynden Park Inc	Submitted comments contained in PDF34 attached.	Proposed revisions 1. Site specifics will be added will be added for the subject property. 2. Part A in Holding H14 on Table 48 will be removed but Part B will remain. 4. A public storage warehouse will be added as a site-specific permitted use. Don't need site specific parking for public storage as it is in the bylaw.
35	3/13/2024	Douglas W Stewart, Arcadis Professional Services, on behalf of behalf of Allumination Siding & Windows	On behalf of our client, please find attached <u>supplementary comments</u> related to the proposed Comprehensive Zoning By-law Amendment (see pdf #4)	Thanks for the time you have taken to review the Draft Zoning By-law and prepare feedback. The proposal should proceed through a development application.
36	4/19/2024	Caitlin Port, MHBC on behalf of Lafarge Canada	On behalf of our client, Lafarge Canada Inc., we have reviewed the City of Brantford Draft New Zoning By-law and are providing comments regarding the proposed zoning of the lands municipally known as 53 Henry Street, Brantford	Thanks for the time you have taken to review the Draft Zoning By-law and prepare feedback. The site-specific exceptions will be included in the next version of the by-law.
37	4/19/2024	Courtney Boyd, Waterous Holden and Amey Hitchon, Associate Lawyer, on behalf of John Neate, 0 Colborne Street West	Please find the attached correspondence sent on behalf of our client, John Neate.	Thanks for the time you have taken to review the Draft Zoning By-law and prepare feedback. The site will change to Core Natural with a site-specific permission for one single detached dwelling. The hold to allow servicing and EIS for determining top of back and setbacks to significant features will remain.
38	4/29/2024	Stefano Rosatone, BES Planner, Urban Solutions, on behalf of 50 Iroquois Limited	On behalf of the owners of the lands municipally known as 50 Iroquois Street, Brantford, Urban Solutions is pleased to submit the attached comment letter for the City's new Zoning By-law project.	Agreed to change the zoning to RMR.
39	5/11/2024	Anwar Hussain Plant Manager Ingenia Polymers Corp.	Comments for consideration to be included as part of the City's Draft New Comprehensive Zoning By-law with respect to our rail properties. PDF #39	A detailed Project team response and mapping provided and attached to PDF #39
NA	5/15/2024	Resident	The suggestion to include Erie Avenue in the Intensification Corridor Zone project is without consideration of the residents of Eagle Place. It is my opinion that the traffic on Erie Avenue has more than doubled since I purchased my house in July, 2011. I knew that Erie Avenue was an artery street to downtown and for cars heading to the 403. However, if the councils' plans for intensification of Erie Avenue proceeds, it will be near impossible to get in and out of my driveway. It is already difficult at times for responders, fire, police and ambulance, to travel on Erie. They lose precious minutes trying to dodge traffic to get to where they need to be.	Thank you for providing input on the new Zoning By-law Project. Staff and the project team hosted an Intensification Corridor Zone Open House April 22, 2024, sharing additional information on the new IC Zone. During the meeting staff heard from residents and stakeholders in support of IC zone provisions and those requesting modifications. After reviewing submitted comments and meeting with various residents and stakeholder groups, staff has made refinements to the draft provisions. Key changes to the IC Zone provisions include: <ul style="list-style-type: none"> Maximum building height along Erie Avenue changed from 6 storeys to 4 storeys. Minimum building height for non-residential uses in the IC zone changed from 3 storeys to 1 storey. Refinement to the IC Zone boundaries, particularly in the vicinity of Ada Avenue and Palmerston Avenue, now changed to "NLR – Neighbourhood Low-Rise". Refinement to areas zoned "pedestrian-predominant (IC-PP) on Schedule A.

- Responses to all comments submitted to the Let's Talk Brantford Zoning webpage are provided online.

City of Brantford Draft Zoning By-law (November 2023) - Comment Matrix



PDF #	Date	Submission Contact	Document Comments	Response / Comments / Receipt
			<p>Most people are good about moving over as per traffic bylaws, but there is only so much space on the road.</p> <p>From Cayuga Street heading south past Passmore Court, a turning lane was put in. This was to accommodate the high traffic flow, so they would not get stuck behind a vehicle trying to turn in front of the oncoming traffic. You want to increase the number of vehicles traveling on Erie Avenue? Doesn't make sense!</p> <p>The ambiance and feel of Eagle Place is because of all the lovely older homes, many of which are more than 100 years old. The Intensification Corridor Zone would negatively change this neighbourhood. Developers would be able to purchase one or more lots, tear down these lovely homes and build apartments or townhouses.</p> <p>It is difficult for young families to purchase their own homes. Eagle Place has many homes that, compared to other areas, are still affordable. If developers snatch them up and tear them down. This will be both to the detriment of the young families and to Eagle Place as a family-oriented neighborhood.</p> <p>With the current applications, Fresco Plaza, which was approved by council (objected by Ward 5 councilors Brian Van Tilborg and Mandy Samwell. Obviously representing our "Eagle Place" residents) This will add 2,300 housing units, 100 Market Street will add 1,000 housing units plus Sammy's Creamery of 20 units. You can say that 20 units is no big deal, but they do not have adequate parking available for the residents, guests or shoppers. The minimum of 3,300 units being added will jam the roads in the area. Most of the people in these units will want to use Colborne Street and Dalhousie St. Finding they are jammed; they will try alternative routes down residential roads in Eagle Place. What a nightmare this is going to cause.</p>	

- Responses to all comments submitted to the Let's Talk Brantford Zoning webpage are provided online.

City of Brantford Draft Zoning By-law (November 2023) - Comment Matrix

PDF #	Date	Submission Contact	Document Comments	Response / Comments / Receipt
			<p>Was good to see that the rezoning of 264 Erie Avenue was not approved. Appeared that the council listened to the residents, but don't get excited. Should you proceed with this Intensification Corridor Zoning, they will be able to go ahead. Easy for the council to turn it down when they have the Intensification Corridor Zone plan.</p> <p>Please remove Erie Avenue from your Intensification Corridor Zone plan.</p>	
NA	5/6/2024	Resident	<p>a) How many of the anticipated 63,300 new residents expected within the new official plan by 2051 are to be accommodated (1) within the Intensification Zones, (2) within other existing residential areas, and (3) how many within the recently annexed areas. I'm just wondering if more emphasis on "intensification" should be directed to the new areas of the city, those without existing neighbourhoods and those with servicing (roads, etc.) still to be constructed/installed. If we interpreted the graphic displayed Monday night, it looks like the new annexed area along Hwy. 24 and north of Powerline Road is to be designated "commercial." Couldn't this be designated for intensive housing projects (20 storeys or more), instead of more stores. The city doesn't appear to be short of retail space.</p> <p>b) Shouldn't intensification efforts be guided by the neighborhood's existing tallest building, in our case (Mayfair) about 8 storeys?</p> <p>c) Have there been any studies of similar intensification rezonings in other municipalities to indicate the impact on property. Values of existing residential properties being affected?</p> <p>d) At one of the public meetings regarding 141 King George Road about a year or two ago, a city official indicated the street was in line for a major rebuilding/redesign/upgrade. There are obvious shortcomings and limitations. Shouldn't any intensification of King George Road await</p>	<p>a) Staff shared mapping and numerical information on the forecasted growth of Brantford. This information summarizes work done as part of the City of Brantford Official Plan Review and outlines forecasted population and employment growth for Employment Areas, Designated Greenfield Area, Rural Areas, Intensification Nodes and Corridors, Downtown Urban Growth Centre, and Existing Neighbourhoods. This information is based on forecasted growth within the Provincial Growth Plan. Please let me know if you would like additional information on terminology used for areas of the city. These are approximant numbers based on forecasts but can serve as a good understanding of future population and employment growth.</p> <p>b) Approved in August of 2020, the City of Brantford Official Plan identifies intensification corridors along key arterial roads that function as connective spines for the City and serve as destinations for their surrounding neighbourhoods. As the City grows, these corridors will play an integral role in the City's overall growth management strategy. They are intended to be intensified, vibrant, mixed-use areas that are pedestrian and transit oriented, offer a full range of compatible land uses at a variety of different scales and densities, and are flexible and responsive to land use pattern changes and demands. Through the Official Plan Review, Zoning By-law Review, and Urban Design Manual the City reviewed areas related to current land-use, zoning, built-form, and future growth. Reviewing the current Zoning By-law 160-90 and the proposed Zoning By-law (Nov. 2023) you will notice that many of the properties within the proposed Intensification Corridor Zone currently permit a wide range of heights and built form. A few examples include:</p> <ul style="list-style-type: none"> Community Centre Commercial Zone (C10): 3 - 6 Storeys Residential High-Density Zone (RHD): 12 Storeys General Commercial Zone (C8): 3 - 6 Storeys <p>c. From a planning perspective I am not aware of any studies completed that focus on impacts on property values related to intensification rezoning.</p> <p>d. Transportation related questions can be directed to Development Engineering. Please follow up with the Project Manager, Development Transportation.</p> <p>e. Thank you for the feedback on the Open House.</p> <p>f. Handouts/summaries – found on the city webpage here: https://www.brantford.ca/en/business-and-development/new-zoning-by-law-project.aspx</p>

- Responses to all comments submitted to the Let's Talk Brantford Zoning webpage are provided online.

City of Brantford Draft Zoning By-law (November 2023) - Comment Matrix



PDF #	Date	Submission Contact	Document Comments	Response / Comments / Receipt
			<p>completion of such upgrading. Intensification will mean more people and more traffic, and it would be foolish to add more congestion to an already over-burdened street.</p> <p>e) The format of the open house was a little chaotic. It was noisy, difficult to navigate, and almost impossible to get questions answered. We waited at the King George Road “station” for a few minutes, but the city official was talking one-to-one with a resident. Why not have that same official give a 2–3-minute overview to a group of attendees and then take their questions? And then have another group move in and have the presentation repeated as groups move about the room, station to station.</p> <p>f) Handouts/summaries at the door would have been helpful, as well. I read over the Official Plan report online, and it was difficult to follow. It is more geared to developers, planners, consultants, and councilors. Is there a dedicated “intensification” section in the OP?</p>	

- Responses to all comments submitted to the Let’s Talk Brantford Zoning webpage are provided online.

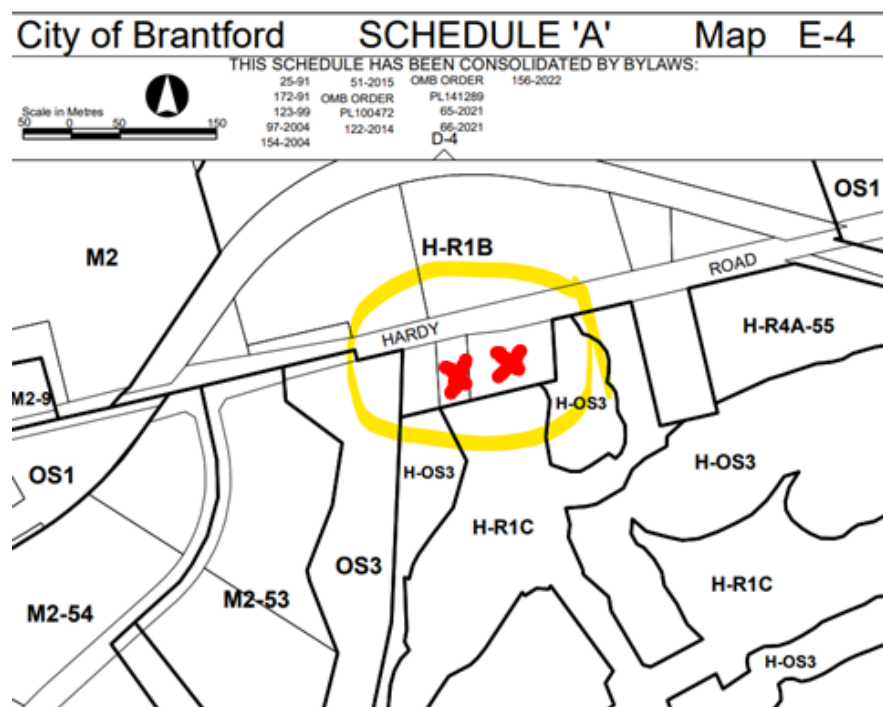
CAUTION EXTERNAL EMAIL This email originated from outside of the City of Brantford email system. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, please contact the Service Desk at ext. 5555

Hi Joshua:

In looking at the New DRAFT Zoning Bylaw, we noticed that two properties on Hardy Road perhaps need some attention. Specifically, 299 and 301 Hardy appear to have an H-R1B zone applied to them. However, as per the attached Staff Report, sets out a new zoning for those two properties.

Thanks

Chris



Chris Pidgeon MCIP, RPP
Principal Planner



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From: Joshua Schram <JSchram@brantford.ca>
Sent: Monday, December 4, 2023 1:41 PM
To: New Zoning By-law Project <NewZBLProject@brantford.ca>
Subject: Brantford's New Zoning By-law Project



Hello.

A Draft of the new [City of Brantford Zoning By-law](#) (November 2023) is now available for review on Let's Talk Brantford at: www.Letstalkbrantford.ca/Zoning

Thank you for your continued interest in the City of Brantford's New Zoning By-law Project.

Regards,

Joshua Schram, MA MCIP RPP

Senior Planner, Long Range Planning
Planning and Development Services

Phone: (519)759-4150 ext. 5873

Email: JSchram@brantford.ca

Web: brantford.ca/planning



<https://www.brantford.ca/en/business-and-development/new-zoning-by-law-project.aspx>

*NEW: The fastest way to submit pre-consultation applications is through Cloudpermit (<https://ca.cloudpermit.com>).
Create a free account and start today!*

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Date March 9, 2023 **Report No.** 2023-15

To Chair and Members
Planning Committee

From Nicole Wilmot, MCIP, RPP
Chief Planner and Director of Planning and Development Services
People, Legislated Services & Planning

1.0 Type of Report

Consent Item ☐
Item For Consideration ☒

2.0 Topic **Official Plan Amendment OP-04-18, Zoning By-law Amendment PZ-15-18 & 29CD-18503 – 277, 299 & 301 Hardy Road [Financial Impact - None]**

3.0 Recommendation

- A. THAT Official Plan Amendment Application No. OP-04-18 submitted by GSP Group Inc. on behalf of Sifton Properties Ltd., affecting the lands located at 299 and 301 Hardy Road to change the Official Plan designation on the property from "Core Natural Areas" to "Residential" to permit the development of street townhouse units, BE APPROVED;
- B. THAT Zoning By-law Amendment Application PZ-15-18, submitted by GSP Group Inc. on behalf of Sifton Properties Ltd., affecting the lands located at 277, 299 and 301 Hardy Road to change the zoning on a portion of the lands from:

-
- i. "Holding – Residential Medium Density Type A – Exception 55 Zone (H-R4A-55)" to "Holding – Residential Medium Density Type B – Exception 30 Zone (R4B-30)";
 - ii. "Holding – Residential Type 1C Zone (H-R1C)" to "Holding – Residential Medium Density Type A – Exception 86 Zone (H-R4A-86)";
 - iii. "Holding – Residential Type 1C Zone (H-R1C)" to "Holding – Residential Type 1C – Exception 26 Zone (H-R1C-26)";
 - iv. "Holding – Residential Type 1B Zone (H-R1B)" to "Holding – Residential Medium Density Type A – Exception 86 Zone (H-R4A-86)";
 - v. "Holding – Residential Type 1B Zone (H-R1B)" to "Holding – Residential Type 1C – Exception 26 Zone (H-R1C-26)";
 - vi. "Holding – Residential Type 1C Zone (H-R1C)" to "Open Space Type 1 Zone";
 - vii. "Holding – Residential Type 1C Zone (H-R1C)" to "Open Space Restricted Zone (OS3)", BE APPROVED, in accordance with the applicable provisions as noted in Section 8.3 of Report 2023-15; and,
- C. THAT the By-law to remove the "Holding (H)" provision from the subject lands not be presented to Council for approval until the following conditions have been satisfied:
- i. THAT all servicing issues, financial and otherwise, have been addressed to the satisfaction of The Corporation of the City of Brantford; and,
 - ii. Clearance from the Ministry of the Environment, Conservation and Parks (MOECP) that the legislative requirements of the Endangered Species Act (ESA) have been appropriately addressed which may include, but may not be limited to, the issuance of an authorization under the ESA from the MOECP, or the applicant demonstrating to the satisfaction of the MOECP that species at risk will not be impacted by the proposed development; and
 - iii. Required condominium and/or development agreements with the City have been entered into to address, among other matters, the operation and maintenance of the sanitary pumping station and forcemain, and stormwater management system;

- D. THAT the Draft Plan of Vacant Land Condominium 29CD-18503 submitted by GSP Group Inc. on behalf of Sifton Properties Ltd., affecting the lands located at 277, 299 and 301 Hardy Road BE PRESENTED to Council at a later date for the consideration of the Draft Plan Conditions; and,
- E. THAT Pursuant to Section 17(23.2) and Section 34(18.2) of the *Planning Act*, R.S.O. 1990, c.P.13. the following statement SHALL BE INCLUDED in the Notice of Decision:

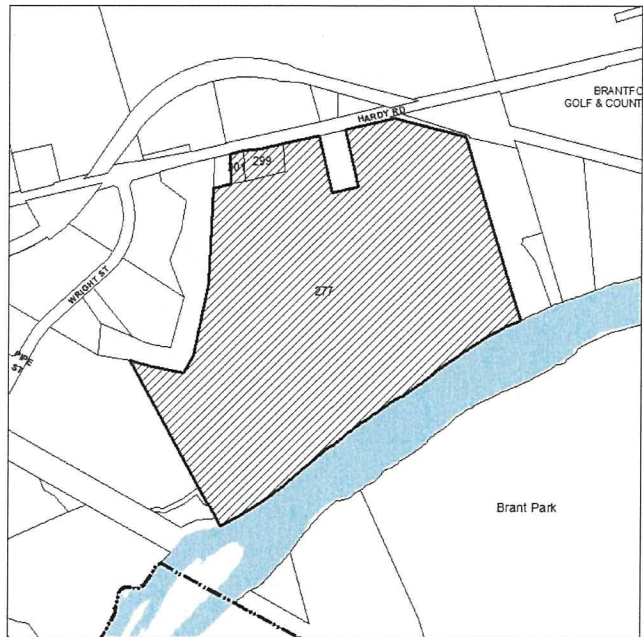
“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 8.4.7 of Report 2023-15.”

4.0 Executive Summary

Applications have been received to amend the City of Brantford Official Plan and Zoning By-law 160-90, and for a Draft Plan of Vacant Land Condominium for the lands municipally addressed as 277, 299 and 301 Hardy Road. The proposed development site at 277 Hardy Road was previously subject to applications for a residential Plan of Subdivision, an Official Plan Amendment and a Zoning By-law Amendment (OP-06-04, PZ-12-04 and 29T-04505). The Ontario Municipal Board Order dated [April 6, 2017](#) granted final approvals of Official Plan Amendment No. 196 and an amending Zoning By-law to City of Brantford By-law 160-90. These documents implemented the OMB decision, resulting in the Official Plan designation and zoning that is currently in place on the property. The OMB did not approve a proposed Draft Plan of Subdivision that had been appealed by the owner for Board approval.

Figure 1 - Location Map

PZ-15-18 & OP-04-18 & 29CD-18503
277, 299 and 301 Hardy Road



Through the current applications, the lands are proposed to be developed through a Draft Plan of Vacant Land Condominium (File No.: 29CD-18503) consisting of 131 single detached units, and two medium density blocks (comprised of 37 townhouse units adjacent to Hardy Road). The plan also includes blocks for open space, a private sanitary pumping station, and amenity space. The applicant is also requesting that the existing medium density block on the northeast corner of the property be rezoned to add low rise apartments as a permitted use, to a maximum of 151 units. The Draft Plan of Vacant Land Condominium conditions will be considered by Council at a later date. The subject Official Plan Amendment and Zoning By-law Amendment are required to facilitate that plan.

The applicant is proposing to amend the Official Plan Designation on 301 Hardy Road and a small portion at the rear of 299 Hardy Road from “Core Natural” to “Residential”, and to amend the zoning at 277, 299 and 301 Hardy Road to align with the proposed uses in the condominium development.

The applicant is proposing to amend the Zoning of the three properties from “Holding - Residential Type 1C Zone (H-R1C)”, “Holding - Residential Medium Density Type A- Exception 55 Zone (H-R4A-55)”, “Holding – Open Space Restricted Zone (H-OS3)”, and “Holding – Residential Type 1B Zone (H-R1B)” to “Holding – Residential Type 1C – Exception 26 Zone (H-R1C-26)”, “Holding – Residential Medium Density Type A – Exception 86 Zone (H-R4A-86)”, and “Holding – Residential Medium Density Type B – Exception 30 Zone (R4B-30)”;

Based on the review of the application, Staff supports Official Plan Amendment OP-04-18 and Zoning By-law Amendment PZ-15-18 in accordance with Section 8.0 of this Report, for the following reasons:

- The application is consistent with the 2020 Provincial Policy Statement.
- The application conforms to the 2020 Growth Plan for the Greater Golden Horseshoe.
- The intent of Zoning By-law 160-90 is maintained, with amendments tailored to the proposed development and the lands.
- The proposed development will provide for an efficient use of land, services and infrastructure.
- The proposed development is transit-supportive and walkable, in an area that is served by public transit.

- The proposed development will use underutilized land and will provide additional housing opportunities.

5.0 Application Information

Table 1: Application Information

Application Details	
Applicant/Owner	Agent: GSP Group Inc. (c/o Chris Pidgeon) Owner – Sifton Properties Ltd.
File Number(s)	OP-04-2018 PZ-15-2018 29CD-18503
Application Type	Official Plan Amendment Zoning By-law Amendment Draft Plan of Vacant Land Condominium
Proposed Use	Townhouse units, single-detached residential units, and open space.
Historic/Concurrent Applications	Historic Applications OP-06-04/PZ-12-04/29T-04505 OMB File PL100472
Property Details	
Address/Ward	277, 299 and 301 Hardy Road Ward 2
Area (acres/hectares)	43.42 ha/107.2 acres
Existing Use	Vacant/Agricultural (277 Hardy Road) Single-detached dwellings (299 and 301 Hardy Road)

Documents	
Official Plan Designation (existing)	<p>Residential and Core Natural Areas (277 Hardy Road)</p> <p>Core Natural Areas (299 Hardy Road)</p> <p>Core Natural Areas (301 Hardy Road)</p>
Official Plan Designation (proposed)	<p>Residential (301 Hardy Road)</p> <p>Residential and Core Natural Areas (299 Hardy Road)</p>
Zoning (existing)	<p><u>277 Hardy Road</u></p> <p>“Holding – Residential Type 1C Zone (H-R1C)”</p> <p>“Holding – Residential Medium Density - Exception 55 Zone (H-R4A-55)”</p> <p>“Holding – Open Space Restricted Zone (H-OS3)”</p> <p><u>299 and 301 Hardy Road</u></p> <p>“Holding – Residential Type 1B Zone (H-R1B)”</p>
Zoning Proposed/Modifications	<ol style="list-style-type: none"> 1. Site specific amendments to the “Holding – Residential Type 1C – Exception 26 Zone (H-R1C-26)” for the following: <ul style="list-style-type: none"> • Lot Area; • Lot Coverage; • Minimum Front Yard; • Minimum Rear Yard; • Minimum Interior Side Yard 2. Site specific amendments to

	<p>"Holding – Residential Medium Density Type A – Exception 86 Zone (H-R4A-86)" for the following:</p> <ul style="list-style-type: none"> • Minimum Front Yard; • Minimum Rear Yard; • Minimum Interior Side Yard <p>3. Site specific amendments to "Holding – Residential Medium Density Type B – Exception 30 Zone (H-R4B-30)" for the following:</p> <ul style="list-style-type: none"> • Maximum Number of Units of 151
Provincial Policy Statement	The proposal is consistent with Sections 1.1, 1.1.3.2, and 1.4.
Places to Grow Growth Plan	The proposal conforms with the Growth Plan.
Processing Details	
Deemed Complete	November 16, 2018
Neighborhood Meeting	March 6, 2019
Statutory Hearing	March 9, 2023
Public Comments	<ul style="list-style-type: none"> • Two emails have been received • The main concerns of the emails was traffic on Hardy Road and environmental concerns with existing wells.

6.0 Purpose

The purpose of this Report is to recommend approval of Official Plan Amendment OP-04-18 and Zoning Bylaw Amendment PZ-15-18 to permit to the construction of a condominium development consisting of 131 single detached units, 37 townhouse units, a future block for apartment dwellings, and blocks for open space, a sanitary pumping station, and amenity space. There is an accompanying application for a Vacant Land Condominium which will be forwarded to Council at a later date, this is discussed further in Section 8.4.6 of this Report.

7.0 Corporate Policy Context

7.1 2023-2024 Council Priorities

This Report is in keeping with the City of Brantford Council Priorities endorsed February 28, 2023, specifically the following outcome:

- Build a greener Brantford.

One of the desired outcomes of this initiative is to ensure that all master plans and transportation plans include green initiatives as part of the future vision for the City, such as the protection of natural areas and underground water. The proposed development ensures the protection of a large core natural area, including enhanced buffers and setbacks.

8.0 Description of Proposal

These applications affect three properties at 277, 299 and 301 Hardy Road. The proposed development site at 277 Hardy Road was previously subject to applications for a residential Plan of Subdivision, an Official Plan Amendment and a Zoning By-law Amendment (OP-06-04, PZ-12-04 and 29T-04505). The proposed design at that time included a total of 125 single detached units and a medium density block with a maximum of 93 dwelling units. The applications were appealed to the Ontario Municipal Board due to a lack of decision by the municipality.

The Ontario Municipal Board (OMB) heard evidence over the course of a 19 week hearing, and rendered a decision in [2014](#) granting approval-in principle of development rights for 277 Hardy Road. The Ontario Municipal Board Order dated [April 6, 2017](#) granted final approvals of Official Plan Amendment No. 196

and an amending Zoning By-law to City of Brantford By-law 160-90. These documents implemented the OMB decision, resulting in the Official Plan designation and zoning that is currently in place on the property.

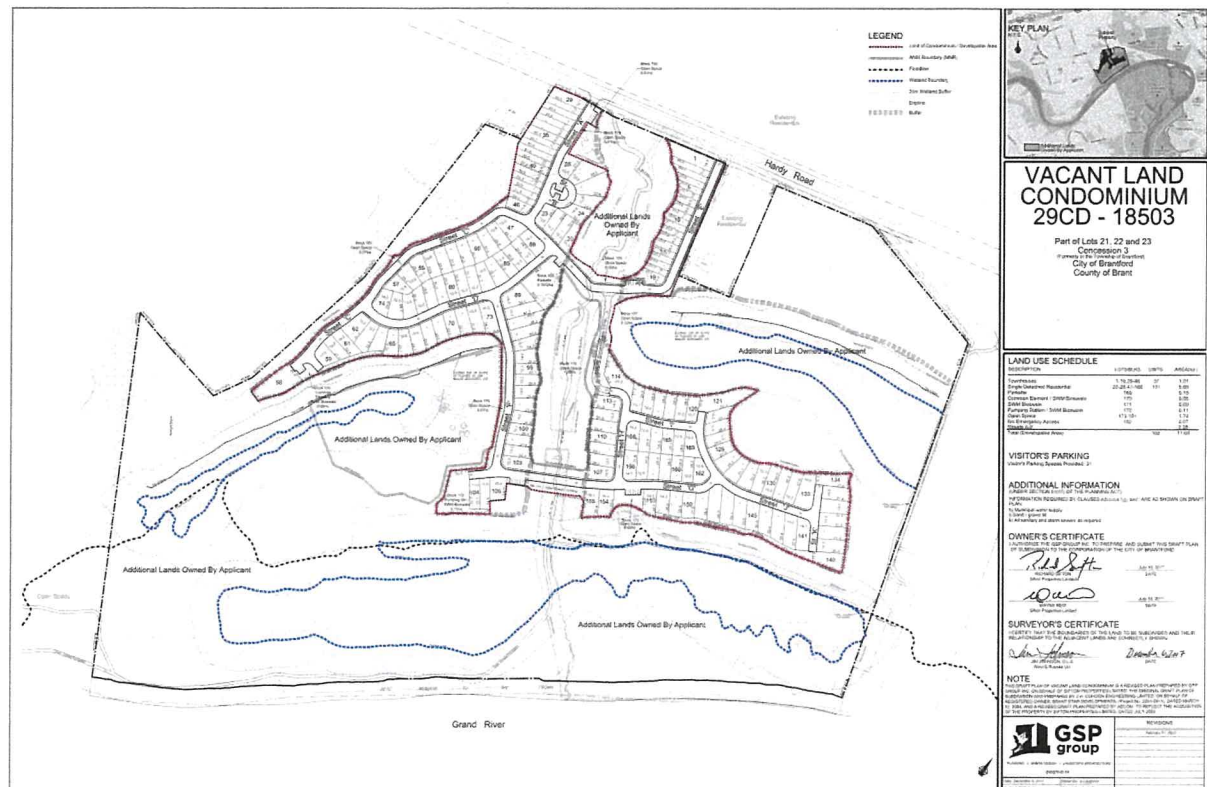
The OMB did not approve a proposed Draft Plan of Subdivision that had been appealed by the Owner for Board approval. The main reason for the refusal of the Draft Plan of Subdivision was the lack of secondary access to Hardy Road and servicing constraints. Since that time, the applicant has acquired two additional parcels of land at 299 and 301 Hardy Road, thereby increasing the area of developable land, and providing the opportunity to provide a second road access into the site.

In late 2018 the applicant submitted applications for a Draft Plan of Vacant Land Condominium, an Official Plan Amendment, and a Zoning By-law Amendment. Since that time staff and other agencies have been working towards the development of a plan that would incorporate the recommendations of the OMB, would provide the secondary access required, and would satisfy the commenting agencies.

The Draft Plan of Vacant Land Condominium includes a lotting pattern and associated private roads and facilities to be located on the developable portion of the property, as identified by the OMB. The balance of the site, including the floodplain and protected natural heritage features associated with the Grand River and other environmentally significant land, is excluded from the proposed development area for long-term conservation pursuant to the OMB Decisions.

The residential land uses being proposed include 131 single detached units, and two medium density residential blocks consisting of a maximum of 37 street townhouse units, all to be serviced by a private road and sanitary pumping station with two access driveways to Hardy Road. There is a future development block in the northeast corner of the property that is proposed to contain a maximum of 151 units, with a maximum building height of 4 storeys.

Figure 2 - Draft Plan of Vacant Land Condominium



-
- Air Quality Compatibility Study;
 - Archaeological Report;
 - Environmental Impact Study;
 - Financial Impact Study
 - Geotechnical Report;
 - Hydrogeological Report;
 - Impact Assessment on Tufa Mounds;
 - Noise Assessment;
 - Planning Justification Report;
 - Servicing Report (Preliminary);
 - Stormwater Management Report; and,
 - Transportation Impact Study.

8.2 Site Information

The lands are 277 Hardy Road are an irregularly shaped parcel, bounded by Hardy Road in the north, and the Grand River to the south. The lands have an area of approximately 43.42 hectares (107.29 ac), with approximately 320.5 m of frontage along Hardy Road. The lands slope downward from Hardy Road to the Grand River, with steeper slopes on the northwest, and a low, east-west secondary slope system on the east and west portions of the site. Approximately 11.06 hectares of the total landholding is developable, and is currently being used for agriculture.

The lands contain a number of natural heritage features including a portion of the Brantford Northwest Wetland complex (Davisville Swamp), Tufa Mounds Earth Science Area of Natural and Scientific Interest (ANSI), significant woodlands, remnant and restored prairie communities, a woodland, cultural meadow and cultural thicket communities. A cold water stream bisects the property on a generally north-south alignment, draining from areas north of Hardy Road to the Grand River. The floodplain of the Grand River extends approximately 150 to 180 m into the property. These natural heritage features are excluded from the proposed development.

Figure 3 - Upper Field (Medium Density Block currently zoned "R4A-55").



Figure 4 - Hardy Road looking west



Figure 5 - Lower eastern field.



Figure 6 - Trail (adjacent to lower eastern field, looking west).



Figure 7 - Creek (looking north from trail).



Figure 8 - Lower western field (looking north towards Hardy Road).



The lands are 299 and 301 Hardy Road each contain single detached dwellings and their associated accessory structures.

Figure 9 - 301 Hardy Road.



Figure 10 - 299 Hardy Road.



Surrounding land uses include single detached residences to the north, east and west, the northwest industrial park to the northwest, and the Grand River to the south, beyond which is Brant Park Conservation Area. To the west, is the former TCA aggregate operation, which has recently been approved for residential and industrial uses. To the east are City lands (formerly Rizzo lands) which were purchased to facilitate ownership and continued operation of the S.C. Johnson Trail.

Figure 10 - Aerial Photo of Surrounding Area.



9.0 Analysis

9.1 Planning Policy Context

A map identifying the land use designations in the general area of the subject lands is attached as **Appendix A**. The City of Brantford Official Plan designates the lands as follows:

Table 2: Official Plan Policies

Designation	Schedule
Designated Greenfield Area	Schedule '1' Growth Management
Density target of 55 residents and jobs combined per hectare	Schedule '2' Designated Greenfield Area Density and Block Plan Boundaries
Residential and Core Natural Areas Designation	Schedule '3' Land Use Plan
Residential and Core Natural Areas Designation	Schedule '4' Designated Greenfield Area Structure
Core Natural Areas Designation	Schedule '6' Natural Heritage System
Floodway Policy Area	Schedule '7-1' Floodplain
Steep, Oversteep and Toe Slope Areas	Schedule '7-3' Steep Slopes and Erosion Hazards
Mineral Aggregate Areas	Schedule '9' Mineral Aggregate Resource Areas and Petroleum Wells
Area 18	Schedule '10' Modified Policy Areas
On-Road Bikeway/Trail Network Off-Road Bikeway/Trail Network	Schedule '11' Bikeways and Trails Network Plan
Minor Arterial Road	Schedule '12' Road Network
Hardy Road - Proposed Right-of-Way Width – 36 metres	Schedule '13' Road Allowance Widenings
Intake Protection Zone 2 (Vulnerability Score 9)	Appendix 'A-1' Intake Protection Zones

-
- The Designated Greenfield Area includes lands that are expected to contribute to the density targets identified in this Plan to the year 2051. It includes primarily vacant lands and some lands that have been developed with urban land uses since 2006.
 - The Designated Greenfield Area shall be planned to achieve an overall minimum density of 55 residents and jobs combined per hectare
 - Lands within the Residential Designation may include a full range of residential dwelling types, as well as supporting land uses intended to serve local residents. Uses permitted include residential units in low-rise, mid-rise and high-rise residential buildings.
 - The Core Natural Areas Designation also includes a 30 metre buffer from identified natural heritage features to protect their ecological and hydrological functions. The permitted uses include conservation uses, public parks and trails, buildings and structures necessary for public parks or for flood and erosion control, golf courses, agricultural uses. Municipal infrastructure projects may also be permitted.
 - The floodplain includes all lands adjacent to a watercourse that have been or may be subject to flooding hazards. Development in the Floodway is to be limited to public infrastructure, flood control works, and structures associated with open space uses. Limited open space structures are permitted to support public recreational use of the lands, however the structures are to be minimal in scale and simple in design recognizing they will be subject to inundation and ice damage. All development, redevelopment and site alteration within the Floodway Policy Area shall be subject to Site Plan Approval for the purposes of assuring the objectives and policies of this Plan are implemented and will also be subject to the approval of the Conservation Authority.
 - Some development within the erosion hazard area may be permitted subject to the approval of the Conservation Authority. Proponents of development shall be required to undertake appropriate studies to determine setbacks from the designated top of slope line for all buildings and structures that are subject to approval by the City and Conservation Authority. Development proposals within and adjacent to steep slopes shall include a detailed site specific geotechnical assessment to establish a more precise slope hazard and appropriate setback to the satisfaction of the City and the Conservation Authority. d. As a condition of development

approval, the City will require the application of erosion and siltation control measures during any proposed construction period.

- There is a small portion of the western portion of the property that is subject to the Mineral Aggregate Resource Area. The identification of this resource in this Plan does not presume that all lands identified are suitable for the establishment of new or expansions to existing mineral aggregate operations.
- The subject lands are subject to Modified Policy Area (MPA) 18. These policies were imposed by the Ontario Municipal Board pursuant to their decision dated June 16, 2014 regarding File No.: OP-06-04/PZ-12-04/29T-04505. The MPA 18 stipulates the following:
 - i. Encroachment of development activities and fill slopes shall not be permitted into buffer areas;
 - ii. Road access shall be provided to those portions of MPA 18 in which development is permitted, to the satisfaction of the City;
 - iii. A 30 metre buffer width shall be provided from the Provincially Significant Wetland (PSW), allowing for a reduced buffer widest adjacent to the street following realignment to avoid encroachment into the PSW;
 - iv. A 30 metre buffer width shall be provided from each side of the coldwater stream except at road crossings; and,
 - v. If required, an application to amend the Official Plan will be submitted to modify the development limits.

9.2 Planning Evaluation of Official Plan Amendment

Existing Designation: “Core Natural Areas”

Proposed Designation: “Residential” and Core Natural Areas”
for 299 Hardy Road and “Residential” for
301 Hardy Road

The proposed Official Plan Amendment applies to the lands at 301 Hardy Road and a small portion at the rear of 299 Hardy Road only. These lands are currently designated “Core Natural Areas” in the City’s Official Plan, however when the applications were initially submitted in 2018, they were subject to the City’s previous Official Plan, which designated them as “Residential Area Low Density”. The proposed use of the lands at 301

Hardy Road for street townhouse units, and at the rear of 299 Hardy Road for single detached units requires an Official Plan Amendment to a Residential designation. A map identifying the proposed land use designation is attached as **Appendix B**.

The Official Plan states *“where development, redevelopment and/or site alteration is proposed within the Core Natural Areas Designation, the City shall require that an Environmental Impact Study be prepared that demonstrates that there will be no negative impacts on any natural heritage features, or their ecological and hydrological functions.”*

The applicants have submitted an Environmental Impact Study, prepared by AECOM Canada Ltd., which has indicated that these lands are already developed with existing residential uses, and the development of these lands will not have a negative impact on the environmental function of the area. Based on the above information, Staff supports the Official Plan Amendment.

9.3 Planning Evaluation of Zoning By-Law Amendment

A map identifying the zoning in the general area of the subject lands is attached as **Appendix C**. The zoning amendment requests changes to the zoning at both 277 Hardy Road, and the lands purchased in 2017 at 299 and 301 Hardy Road. A map identifying the proposed zoning is attached as **Appendix D**.

9.3.1 277 Hardy Road

The lands located at 277 Hardy Road are currently zoned as follows:

Existing Zoning: “Holding - Residential Type 1C Zone (H-R1C)”

“Holding - Residential Medium Density Type A- Exception 55 Zone (H-R4A-55)”

“Holding – Open Space Restricted Zone (H-OS3)”

Proposed Zoning: "Holding - Residential Type 1C – Exception 26 Zone (H-R1C-26)"

"Holding - Residential Medium Density Type A- Exception 86 Zone (H-R4A-86)

"Holding - Residential Medium Density Type B- Exception 30 Zone (H-R4B-30)"

"Holding – Open Space Restricted Zone (H-OS3)"

The applicant is requesting to amend the existing provisions to the "Holding - Residential Type 1C Zone (H-R1C)" to introduce site specific provisions. They are also requesting to create a "Holding - Medium Density Type A Exception 86 Zone (H-R4A-86)" to permit townhouse units, and they are requesting to change the existing "Holding - Medium Density Type A - Exception 55 Zone (H-R4A-55)" to "Holding - Residential Medium Density Type B- Exception 30 Zone (H-R4B-30)" to permit low rise apartments.

9.3.1.1 "Holding - Residential Type 1C – Exception 26 Zone (H-R1C-26)"

The requested modifications to the R1C zone include lot area, lot width, front yard setback, rear yard setback, and side yard setback.

The proposed site specific provisions and Staff's response for the new development proposal are discussed further and are illustrated in Table 3 below:

Table 3. Zoning Table for Lands to be Zoned "H-R1C-26".

Zoning Regulations for R1C	Required	Proposed Exceptions	Staff Response
Permitted Uses	Single-detached dwellings	Single-detached dwellings	Conforms.
Lot Area (Minimum)	360 m ²	325 m ²	Requires relief. Although these lot sizes are small than those required by the by-law, they are larger than lots that have recently been approved in the area. The smaller lot does not affect all lots in the proposed Draft Plan, but rather those that are located between the private road and some of the open space features. The lot sizes will be confirmed by the draft plan review. Planning Staff supports the minimum lot size of 325 m ² .
Lot Width (Minimum)	12.0 m	12.0	Conforms.
Lot Coverage (Maximum)	40%	45%	Requires relief. New developments within the City are

Zoning Regulations for R1C	Required	Proposed Exceptions	Staff Response
			no longer requiring a maximum lot coverage, and instead are relying on the yard setbacks to establish lot coverage. In this instance, because of the environmental constraints surrounding this development, Staff supports the inclusion of a maximum lot coverage to control the development of each lot.
Building Height (Maximum)	10.0 m	10.0m	Conforms.
Front Yard (Minimum)	6.0 m	4.5 m to main bld. 6.0 m to garage	Requires relief. The applicants are requesting a minimum front yard of 4.5 m, whereas 6 m is otherwise required. Staff has concerns with this reduction. The proposed development is a condominium format which results in 8 m

Zoning Regulations for R1C	Required	Proposed Exceptions	Staff Response
			private road right-of-ways, with a sidewalk on one side, and no boulevards. The zoning By-law also permits stairs and porches to encroach into this setback. This leaves little room for snow storage, tree planting, and service installation. Given the sensitive environmental constraints on this site, combined with the reduced lot area and increased lot coverage, staff does not support the reduction.
Rear Yard (Minimum)	7.5 m	6.0 m	Requires relief. The applicant is requesting a minimum rear yard of 6.0 m, whereas 7.5 m is otherwise required. This is a standard setback that has been approved throughout the City, and Staff can support this

Zoning Regulations for R1C	Required	Proposed Exceptions	Staff Response
			request.
Interior Side Yard (Minimum)	3.0 m and 1.0 m if no garage 1.0 m on each side if garage provided	1.2 m on each side	Conforms.
Exterior Side Yard (Minimum)	3.0 m	3.0 m	Conforms.

9.3.1.2 “Holding - Residential Medium Density Type A - Exception 86 Zone (H-R4A-86)”

The requested modifications to the “H-R4A-Exception 86 Zone” include front yard setback, rear yard setback, and side yard setback.

The proposed site specific provisions and Staff’s response for the new development proposal are discussed further and are illustrated in Table 4 below:

Table 4 - Zoning Table for Lands to be Zoned “H-R4A-86”.

Zoning Regulations for R4A	Required	Proposed Exceptions	Staff Response
Permitted Uses	Double duplex, fourplex, block townhouse, street townhouse, retirement homes, etc.	Street townhouse dwellings	Conforms.
Lot Width	6.0 m	6.0 m	Conforms.

Zoning Regulations for R4A	Required	Proposed Exceptions	Staff Response
(Minimum)			
Lot Coverage (Maximum)	48% for each street townhouse dwelling on an individual lot	48%	Conforms
Building Height (Maximum)	3 storeys	3 storeys	Conforms.
Front Yard (Minimum)	6.0 m	4.5 m to main bld. 6.0 m to garage	Requires relief The applicants are requesting a minimum front yard of 4.5 m, whereas 6 m is otherwise required. Staff has concerns with this reduction. The proposed development is a condominium format which results in 8 m private road right-of-ways, with a sidewalk on one side, and no boulevards. The zoning By-law also permits stairs and porches to encroach into this setback. This leaves little room for snow storage, tree planting, and service installation. Given the sensitive environmental

Zoning Regulations for R4A	Required	Proposed Exceptions	Staff Response
			constraints on this site, combined with the reduced lot area and increased lot coverage, staff does not support the reduction.
Rear Yard (Minimum)	7.5 m	6.0 m	Requires relief. The applicant is requesting a minimum rear yard of 6.0 m, whereas 7.5 m is otherwise required. This is a standard setback that has been approved throughout the City, and Staff can support this request.
Interior Side Yard (Minimum)	2.4 m	1.2 m	Requires relief. The applicant is requesting a minimum interior side yard of 1.2 m, whereas 2.4 would otherwise be required. This setback would apply to the distances between the end units of two adjacent townhouse

Zoning Regulations for R4A	Required	Proposed Exceptions	Staff Response
			blocks. The Fire Department requires a minimum distance between the ends of townhouse units of 3.0m, therefore the minimum side yard that staff could support would be 1.5 m.
Exterior Side Yard (Minimum)	3.0 m	3.0 m	Conforms.

9.3.1.3 “Holding - Residential Medium Density Type B - Exception 30 Zone (H-R4B-30)”

The requested modifications to the “H-R4B-30 Zone” are to permit a maximum of 151 units in a low rise apartment, whereas the current zoning permits only 93 units in a street townhouse format.

The proposed site specific provisions and Staff’s response for the new development proposal are discussed further and are illustrated in Table 5 below:

Table 5 - Zoning Table for Lands to be Zoned “H-R4B-30”.

Zoning Regulations for R4B	Required	Proposed Exceptions	Staff Response
Permitted Uses	Double duplex, fourplex, block townhouse, street townhouse, retirements	Apartments dwellings	Conforms. See discussion below.

Zoning Regulations for R4B	Required	Proposed Exceptions	Staff Response
	homes, etc.		
Maximum Number of Dwelling Units	No maximum specified. Maximum is currently based on units/area	Apartment dwelling units to a maximum of 151 units	Requires relief. See discussion below

Permitted Uses

The applicant has requested that apartment dwellings be permitted on this block, rather than the townhouse units implemented by the Ontario Municipal Board Decision.

These lands are located in a Greenfield Area in the Official Plan, and are designated as Residential. The Official Plan states that growth in Brantford to 2051 will occur through a combination of intensification within the Delineated Built-Up Area, and development within the Designated Greenfield Area.

The Residential designation permits dwelling units in low-rise (1 to 3 storeys), mid-rise (4 to 6 storeys), and high-rise buildings (greater than 6 storeys). The permitted uses and building specifications are regulated by Zoning By-law 160-90. The existing medium density block at 277 Hardy Road is currently zoned "Residential Medium Density Type 4A Zone (R4A)", which permits a maximum building height of 3 storeys, in a street townhouse or block townhouse format. It does not permit apartment dwelling units.

The requested "R4B" zoning permits apartment dwellings, to a maximum building height of 4 storeys. The Official Plan states that when a site specific Zoning By-law is under consideration to permit new Mid-Rise

Residential Buildings, the proposed development must meet the following criteria, to the satisfaction of the City:

- i. Be on a site of suitable size for the proposed development, and provide adequate landscaping, amenity features, buffering, on-site parking and garbage pickup and recycling services;
- ii. Be located in proximity to parks, open space and other community facilities, services and amenities;
- iii. Have frontage on a Major/Minor Collector or Major/Minor Arterial Road; and,
- iv. Have convenient access to an existing or planned public transit stop.

The block meets the minimum requirements for lot area for an "R4B" parcel based on the number of units proposed, is located in close proximity to the City's trail system, has frontage on an major arterial road, and has access to a planned public transit stop. Planning staff supports the apartment use to a maximum building height of 4 storeys.

Maximum Number of Dwelling Units

The currently zoning permits a maximum of 93 units in the form of townhouse units, as implemented by the OMB decision. As noted above, the lands are located in a Greenfield Area as identified by the City's Official Plan, and are planned to achieve an overall minimum density of 55 residents and jobs combined per hectare. This block has a developable area of approximately 2.46 hectares, which would result in a recommended maximum density of approximately 136 residents and jobs for the block. However, based on the 93 units permitted by the OMB, the permitted density for this block is 95.5 residents and jobs per hectare.

The Official Plan states that density is measured over the entire Greenfield Area, and the balance of the lands

are providing lower than the recommended density because of predominantly single-detached units, therefore some flexibility is expected. The Official Plan also recognizes that some areas within Brantford's Designated Greenfield Area were already developed at lower densities than the target of 52 residents and jobs combined per hectare, prior to the approval of this Plan. As such, and in order to achieve the overall minimum density target for the entire Designated Greenfield Area by 2051, higher density targets are required within specific areas.

When calculating density, apartment units are not expected to house as many residents as townhouse dwellings, therefore 151 apartment units result in a density of approximately 96 residents and jobs per hectare. This is slightly higher than the residents and jobs per hectare which would be accommodated by the 93 townhouse units. Staff is therefore able to support the maximum requested apartment units of 151.

9.3.2 299 Hardy Road

Existing Zoning: "Holding – Residential Type 1B Zone (H-R1B)"

Proposed Zoning: "Holding – Residential Type 1B Zone (H-R1B)"

"Holding – Residential Type 1C - Exception 26
Zone (H-R1C-26)"

A small portion of the rear of 299 Hardy Road will form part of the condominium development. The applicant is requesting that this portion be rezoned to "Holding - Residential Type 1C - Exception 26 Zone (H-R1C-26)" to align with the zoning on the condominium lands. The balance of the lands where the existing dwelling is to be retained will remain zoned "Holding – Residential Type 1B Zone (H-R1B)".

9.3.3 301 Hardy Road

Existing Zoning: “Holding – Residential Type 1B Zone (H-R1B)”

Proposed Zoning: “Holding - Residential Medium Density Type A- Exception 86 Zone (H-R4A-86)”

The lands at 301 Hardy Road will form part of the condominium development, and will contain street townhouse units. The applicant is requesting that the lands be rezoned to “Holding - Residential Medium Density Type A- Exception 86 Zone (H-R4A-86)” to permit the construction of street townhouse units, fronting onto the private condominium road. This is the same zoning that is being requested for the street townhouses located on the lands at 277 Hardy Road. The considerations for this zoning are discussed above in Section 8.3.1.2, and will apply to these lands as well.

9.4 Development Considerations

9.4.1 Environmental Impact Assessment

The applicant submitted an Environment Impact Assessment prepared by AECOM Canada Ltd., dated January 2018, along with supplementary information supplied in 2019. This was in addition to extensive environmental information reviewed through the Ontario Municipal Board hearing. The report included an evaluation of the lands located at 299 and 301 Hardy Road, since these lands were not included in the original hearing.

The report concludes that the Proposed Draft Plan of Vacant Land Condominium will result in the protection of all significant natural heritage features, provide buffers to mitigate potential impacts on adjacent lands, implement engineering best management practices to protect fish habitat and wetlands, restore habitat, and promote landowner awareness and stewardship. The Grand River Conservation Authority has reviewed the EIS, concurs with its findings, and has provided conditions for the Draft Plan of Vacant Land Condominium approval.

9.4.2 Cultural Heritage

The applicant submitted an Archaeological Report prepared by Timmens Martelle Heritage Consultants Inc., dated October 2009. The report was considered by the Ontario Municipal Board during the previous hearing for the subject lands. Archeological work on the Sifton property and in the northwest part of the City identified a number of significant archeological features. The Sifton property contains three pre-contact archeological sites located above the Grand River floodplain. The Board heard that these sites were excavated as part of a phase 4 archeological investigations in 2004 and artifacts were sent to the University of Western Ontario for long-term curation. The Ministry of Tourism, Culture and Sport issued a letter in 2004 indicating that it is not necessary to impose conditions on development or to curtail agricultural use of the property because of these sites.

The 2009 report recommends that the Hardy Road site of Davisville including a 10m buffer around the site perimeter be protected and preserved from development. The report also recommends that this site be kept within the environmentally protected areas. The OMB decision states *“The Hardy Road site is included in a park block with a 10 m buffer established around it and Sifton proposes to dedicate it to the City”*.

The Conditions of Draft Plan of Vacant Land Condominium approval that were before the OMB contained a Condition that stated the following: *That the Owner shall prepare an Archaeological plan for protection of all significant archaeological sites on the subject lands, as well as adjacent lands south of the subject lands that abut the Grand River, and agree to carry out all recommendations of that Study, prior to the Final Approval of the Plan, to the satisfaction of the Ministry of Tourism, Culture, and Sport.*

The conditions of Draft Plan of Vacant Land Condominium Approval will include the requirement for archaeological clearances.

9.4.3 Air Quality

An Air Quality Compatibility Review was conducted by Novus Environmental in 2018. The focus of the assessment was the impact from nearby industrial facilities on the proposed residential development. The report concluded that no odours from any nearby industries were detected onsite, and the proposal would therefore be compatible with surrounding land uses.

9.4.4 Noise Assessment

An Environmental Noise Assessment was conducted by Novus Environmental in 2018. The focus of the assessment was the potential for transportation noises from Hardy Road, and the stationary noise impacts from surrounding industrial facilities on the proposed residential development.

With respect to road noise, the assessment revealed that higher than acceptable noise levels will be experienced at the dwellings immediately adjacent to Hardy Road. As a result a noise barrier is required or site plan modifications are required. An alternative to the construction of a noise barrier would be to increase the setback from Hardy Road to 30 m.

The report also concludes that the development should have forced air heating with future provisions for the installation of central air conditioning, plus warning clauses for a number of townhouses and single detached dwellings. These controls will be implemented through the Draft Plan of Vacant Land Condominium process, and an addendum to the noise assessment will be required at that time. This will be further addressed through a condition of draft plan approval.

With respect to stationary noise from surrounding industrial uses, the projected sounds levels are predicted to be below the applicable guideline limits, and no additional noise control measures are required.

9.4.5 Holding Provision

In accordance with Section 9.7(a)(iv) of the Official Plan, Staff recommends that a Holding provision ("H") be applied to the subject lands to ensure that the City's requirements are satisfied before the development can proceed. Staff recommends that the Holding provision "H" not be removed until the applicant has provided the following:

- a. THAT the Draft Plan of Vacant Land Condominium is approved and the draft plan is finalized and an agreement entered into; and,
- b. Clearance from the Ministry of Natural Resources and Forestry (MNRF) that the legislative requirements of the Endangered Species Act (ESA) have been appropriately addressed which may include, but may not be limited to, the issuance of an authorization under the ESA from the MNRF, or the applicant demonstrating to the satisfaction of the MNRF that species at risk will not be impacted by the proposed development; and
- c. Required condominium and/or development agreements with the City have been entered into to address, among other matters, the operation and maintenance of the sanitary pumping station and forcemain, and stormwater management system; and

9.4.6 Draft Plan of Vacant Land Condominium

Vacant Land Condominiums include condominium units (similar to a lot in a registered plan of subdivision) and common element areas. The common element areas are proposed to include the private roadway including the visitor parking areas, the landscaped open spaces, amenity areas, and a private sanitary pumping station. Vacant Land Condominiums have extensive conditions applied to them, and therefore are not required to go through the Site Plan Control Process, as the Draft Plan Conditions are similar to a subdivision process. In this instance the Ontario Municipal Board considered the development of this property, and although ultimately did not approve Draft Plan of

Subdivision due to technical issues, they had considered Draft Plan of Subdivision conditions through their deliberations.

The common elements will be owned and maintained by a future condominium corporation, including snow removal, servicing and landscaping. All units are 'tied' to the common elements and are subject to monthly fees related to on-going maintenance as with other more typical condominium developments.

As per the *Condominium Act*, the condominium corporation will be required to budget for and manage a capital reserve fund to cover the ongoing maintenance, operation and lifecycle replacement of the shared common element facilities. For the proposed Vacant Land Condominium, the condominium units will function as the private, conveyable parcels of land on which the single detached dwellings and street townhouse units will be constructed. All buildings, including the interior and exterior features on the units will be owned and maintained by the individual unit owners and do not form part of the condominium.

The consideration of the approval conditions for the Draft Plan of Vacant Land Condominium will be brought forward at a later Council hearing. There are still technical considerations regarding the design of the condominium that need to be addressed before the Draft Plan conditions can be finalized.

9.4.7 Summary of Consultation

Summary of relevant consultation under the *Planning Act* is provided below:

Table 6 - Summary of Consultation

Department/Agency	Comment	Staff Response
<ul style="list-style-type: none"> Brantford Police Service Grandbridge Energy Housing Dept. Hydro One 	No comments received or no concerns noted.	Comments and conditions to be addressed through the Draft Plan of Vacant Land Condominium.

Department/Agency	Comment	Staff Response
<ul style="list-style-type: none"> Public Works – Operations Dept. Rogers Transit 		
<ul style="list-style-type: none"> Bell Brant County Health Unit Canada Post Enbridge 	Standard comments provided	Comments to be addressed as part of the Draft Plan of Vacant Land Condominium conditions.
Accessibility	No comments on Zoning File, but site plan comments provided.	Comments to be addressed as part of the Draft Plan of Vacant Land Condominium conditions.
Building Dept.	<ul style="list-style-type: none"> Block 145 –Block Townhouse Dwelling is not a permitted use in R1C zone. I don't have any comments at this time as there are no development regulation for this use in R1C Zone. Block 147 – 151 unit Apartment Dwelling is not a permitted use in R4A-55 zone. I don't have any comments at this time as there are no development regulation for this use in R4A-55 Zone. Most Single Detached Dwelling Lots in R1C and R1B zones are not in 	The applicant has applied for site specific provisions to permit these uses.

Department/Agency	Comment	Staff Response
	compliance with minimum lot width and lot area requirements for the respective zone.	
Development Engineering	There are a number of technical comments relating to servicing, etc., which will need be addressed as part of a future site plan and condominium applications.	Planning Staff are recommending a Holding Provision be applied to the site to allow all engineering concerns and study requirements to be addressed appropriately through the conditions of Draft Plan of Vacant Land Condominium approval.
Environmental Services	No objections to the zoning amendment, but comments were made pertaining to modelling of the services. All technical comments will need to be addressed as part of the Site Plan application.	Comments and conditions to be addressed through the Draft Plan of Vacant Land Condominium.
Fire	Due to the current locations of the our fire stations and response times to this area; and similar to the recommendation made for the residential component of the TCA property, the Brantford Fire Department would strongly recommend fire sprinkler systems conforming to the requirements of NFPA 13 be installed in all residential dwellings on the proposed development.	Planning Staff are recommending a Holding Provision be applied to the site to allow all Fire Department concerns and study requirements to be addressed appropriately through the conditions of Draft Plan of Vacant Land Condominium approval.

Department/Agency	Comment	Staff Response
Grand River Conservation Authority	Grand River Conservation Authority (GRCA) staff have recently received and reviewed the Sifton Properties Limited Stormwater Management Report 277 Hardy Road – Site Plan Development by AECOM dated November 2021. This report has consolidated the information previously requested by the GRCA and we are satisfied it addressed our comments.	The GRCA has provided conditions of Draft Plan of Vacant Land Condominium approval.
Long Range Planning	<p>Staff are supportive of in situ protection of archaeological resources. A copy of an avoidance and protection strategy, prepared in accordance with Provincial Standards and Guidelines, must be provided to the City prior to site alteration in the vicinity of in situ archaeological resources.</p> <p>Once development is completed, Staff require confirmation that archaeological resources have been conserved in accordance with the adopted avoidance and protection strategy, or other means in compliance with Provincial Standards and Guidelines.</p>	Comments have been discussed in this report or will need to be addressed through the conditions of Draft Plan of Vacant Land Condominium approval.
Parks and Rec Dept.	No comments on the official plan amendment	Comments and conditions to be

Department/Agency	Comment	Staff Response
	or rezoning	addressed through the Draft Plan of Vacant Land Condominium approval.
Source Water	Can the applicant complete the Restricted Land Use Declaration Form for this development application? The property is located in Intake Protection Zone (IPZ-2).	The Restricted Land Use Declaration Form has been provided to applicant for completion, and will be required as a condition of Draft Plan of Vacant Land Condominium.
Ministry of Environment, Conservation and Parks (responsibility was formerly Ministry of Natural Resources up until April 1, 2019)	No comments on the official plan amendment or rezoning	Planning Staff are recommending a Holding Provision be applied to the site. The requirements of the Ministry are to be addressed through the conditions of Draft Plan of Vacant Land Condominium approval (in accordance with conditions imposed by the OMB decision).
Transportation	<p>The Draft Plan and unit count is consistent with these comments and the TIS is considered approved.</p> <p>Transportation supports the Block 183 Emergency Access Route and notes the proposed bollard design should be removable or a knock-down design, and per EMS/Fire standards.</p> <p>Since the internal roads will be private, Transportation has no</p>	Comments and conditions to be addressed through the Draft Plan of Vacant Land Condominium.

Department/Agency	Comment	Staff Response
	<p>comment on maneuverability since it won't negatively affect the municipal right-of-way and appears to be sufficient in width to accommodate a fire-route. Environmental Services should comment on waste collection.</p> <p>At the site plan stage we will require 5m x 5m visibility triangles at the accesses to Hardy Road, and private driveways will be required to be set-back a minimum of 6m from the property line to ensure they do not negatively affect maneuvers into the site.</p>	

Table 5: Grand River Notification Agreement

	Comment	Staff Response
Six Nations of the Grand River	<p>No comments have been received from Six Nations.</p> <p>They have been provided with the Archaeological Studies and the Environmental Impact Assessment.</p>	<p>The applicant has consulted with Six Nations staff in relation to the open space lands. The Planning Department followed up with Six Nations and has not received any further comments at this time pertaining to the official plan or zoning by-law amendment application.</p>
Mississaugas of the Credit First Nation	No comments or concerns noted.	In accordance with the Grand River Notification Agreement, a copy of the Archaeological Report will be circulated as part

Comment		Staff Response
		of any future site plan applications.

Table 6: Public Comments

Comment		Staff Response
Environmental	Concern with road salt, pool chemicals, lawn chemicals, spills and effects on existing wells in the area.	These items were all raised through the Ontario Municipal Board Hearing. Staff will review these items as part of the Conditions of Draft Plan of Vacant Land Condominium to ensure the environmental protection measures are in place.
Traffic	<ul style="list-style-type: none"> • Comments were made regarding the volume of traffic. • Opposed to roads being private, rather than public • Congestion on Hardy Road when the railway arms are down at Paris Road/Hardy Road. • How will emergency services get to the area of there is a train crossing. • Concerns with the accuracy of the data produced by Paradigm Engineering 	A Traffic Impact Study was submitted as part of the development proposal. No concerns were raised regarding the volume of traffic. Some improvements to the local road network will be required, and this is to be included as Conditions of Draft Plan of Vacant Land Condominium approval.

10.0 Financial Implications

There are no direct municipal financial implications respecting the Official Plan Amendment and Zoning By-law Amendment applications.

11.0 Climate and Environmental Implications

No negative climate or environmental impacts are anticipated as a result of this application. In areas where intensification is supported and encouraged in the Official Plan and Zoning Bylaw, a land calculation is generally provided for applications requesting an increase in density. In this instance, a calculation was not provided, as the goal here is not to maximize the density of the site, given the environmental constraints of the property. The previous Ontario Municipal Board Hearing provided extensive review of environmental conditions and provided direction on implementing protective measures on this site.

The requested Official Plan Amendment and Zoning changes will create a more compact urban form, while still providing the protection measures as required by the OMB. This is reflected in the buffers that are required to protect the sensitive environmental features. In accordance with the sustainable development provisions of the Official Plan, the proposed development contributes to creating complete, healthy, walkable, transit-supportive, cycling and pedestrian-friendly communities.

12.0 Conclusion

These applications are requested to amend the Official Plan and Zoning By-law 160-90 to facilitate the redevelopment of lands for a Draft Plan of Vacant Land Condominium within a Greenfield Area of the City of Brantford on a site which is currently underutilized. This development is consistent with the policies in the Official Plan, the Provincial Policy Statement, and the Growth Plan, as the proposed development will facilitate the intensification of lands and will assist in meeting the minimum intensification and density targets in the Growth Plan. The proposed Zoning By-law Amendment will facilitate the development and will help to ensure that a specific built form is achieved, while addressing all other technical matters. The proposed zoning by-law amendment is consistent with the PPS, and in conformity with the Growth Plan and Official Plan. Based on these considerations, Planning Staff is of the opinion that the applications for Official Plan and Zoning By-law Amendment are appropriate and represents good planning.



Nicole Wilmot, MCIP, RPP
Chief Planner/Director of Planning and Development Services

Prepared By:

Karen Pongracz, MCIP, RPP, Senior Planner
Joe Muto, MCIP, RPP, Manager of Development Planning

Appendix A – Official Plan Designation
Appendix B – Proposed Official Plan Amendment
Appendix C – Zoning By-law 160-90

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required ☒ yes ☐ no

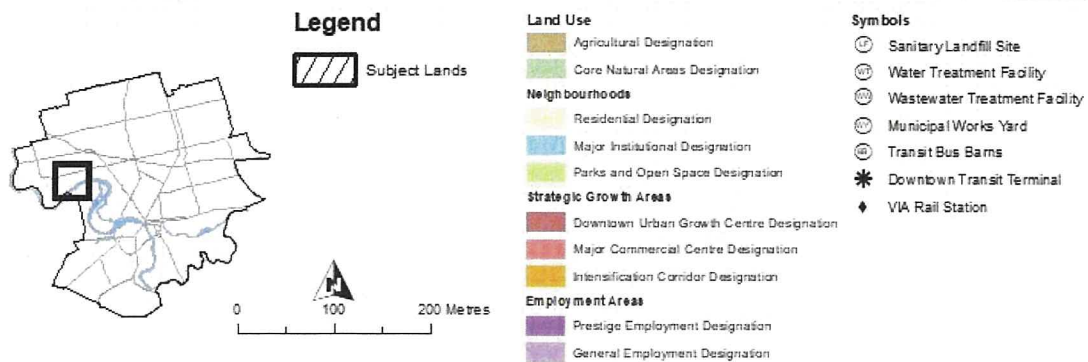
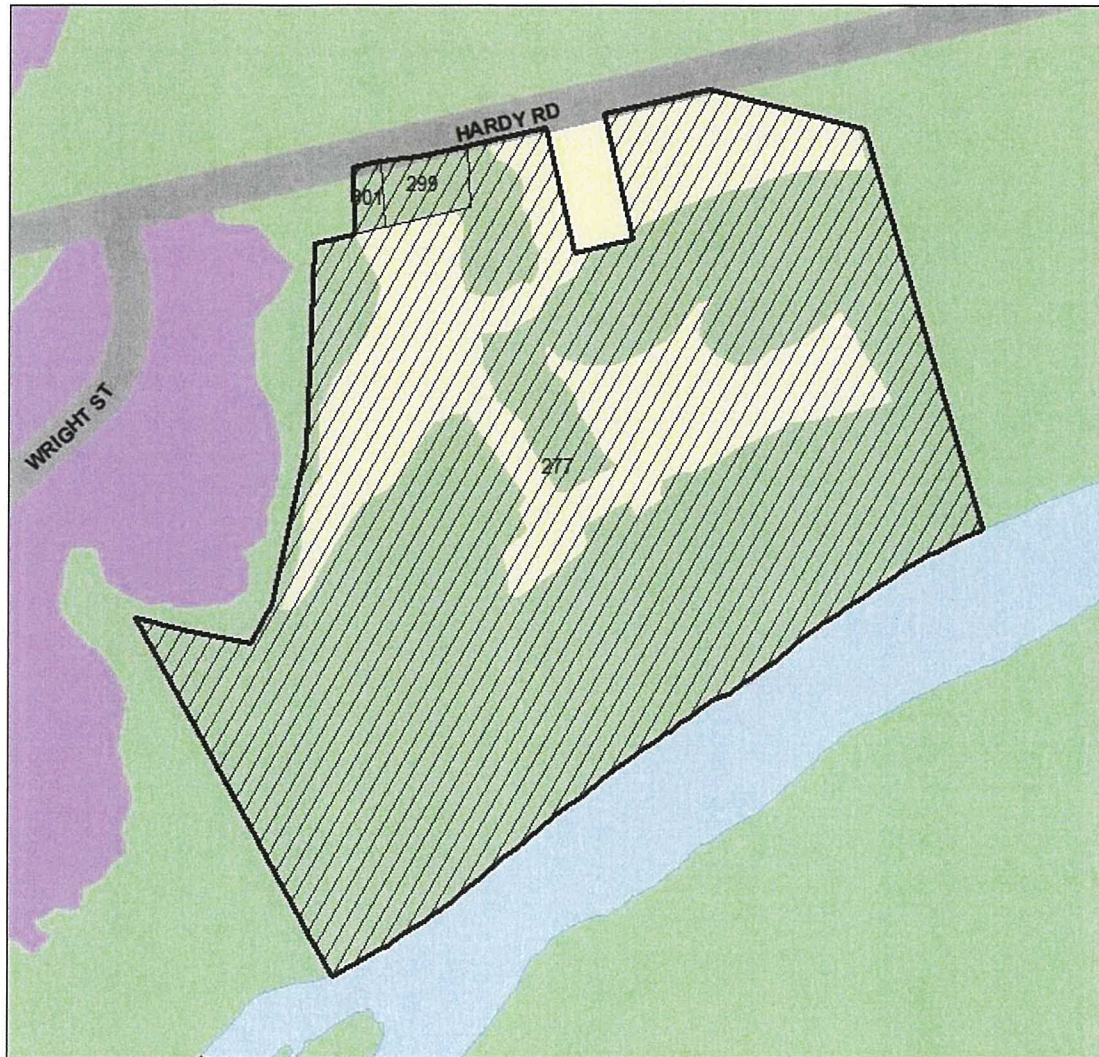
Agreement(s) or other documents to be signed by Mayor and/or City Clerk ☐ yes ☒ no

Is the necessary by-law or agreement being sent concurrently to Council? ☒ yes ☐ no

Appendix A – Existing Official Plan Designation**OFFICIAL PLAN EXCERPT MAP**

PZ-15-18 & OP-04-18 & 29CD-18503

277, 299 and 301 Hardy Road



Appendix B – Proposed Official Plan Amendment**THIS IS SCHEDULE 'B' TO OFFICIAL PLAN
AMENDMENT No. 6****Legend**

Area s subject to Amendment

SCHEDULE 1

From Core Natural Areas to Neighbourhoods

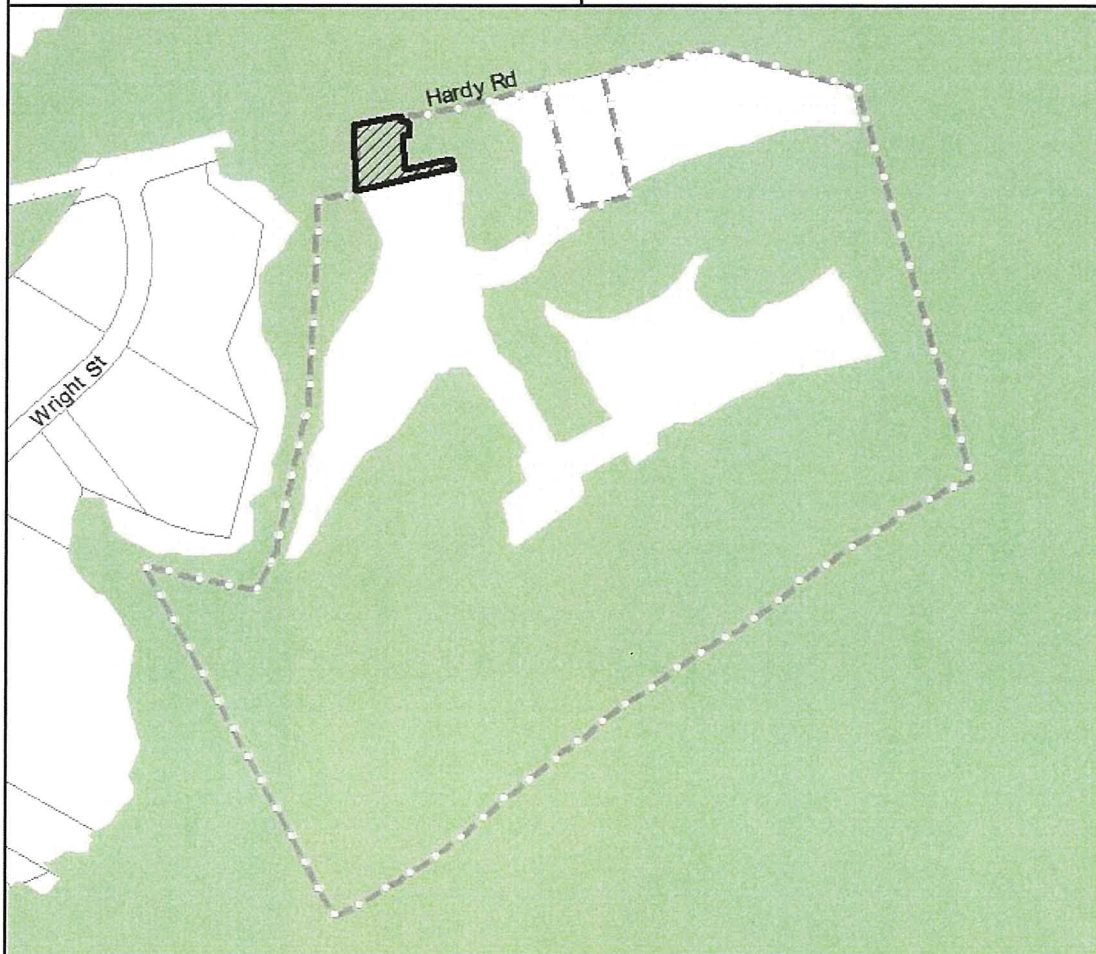
SCHEDULE 3From Core Natural Areas Designation to
Residential Designation**SCHEDULE 6**Natural Heritage System
Removes from SCHEDULE**SCHEDULE 9**Mineral Aggregate
Removes from SCHEDULE

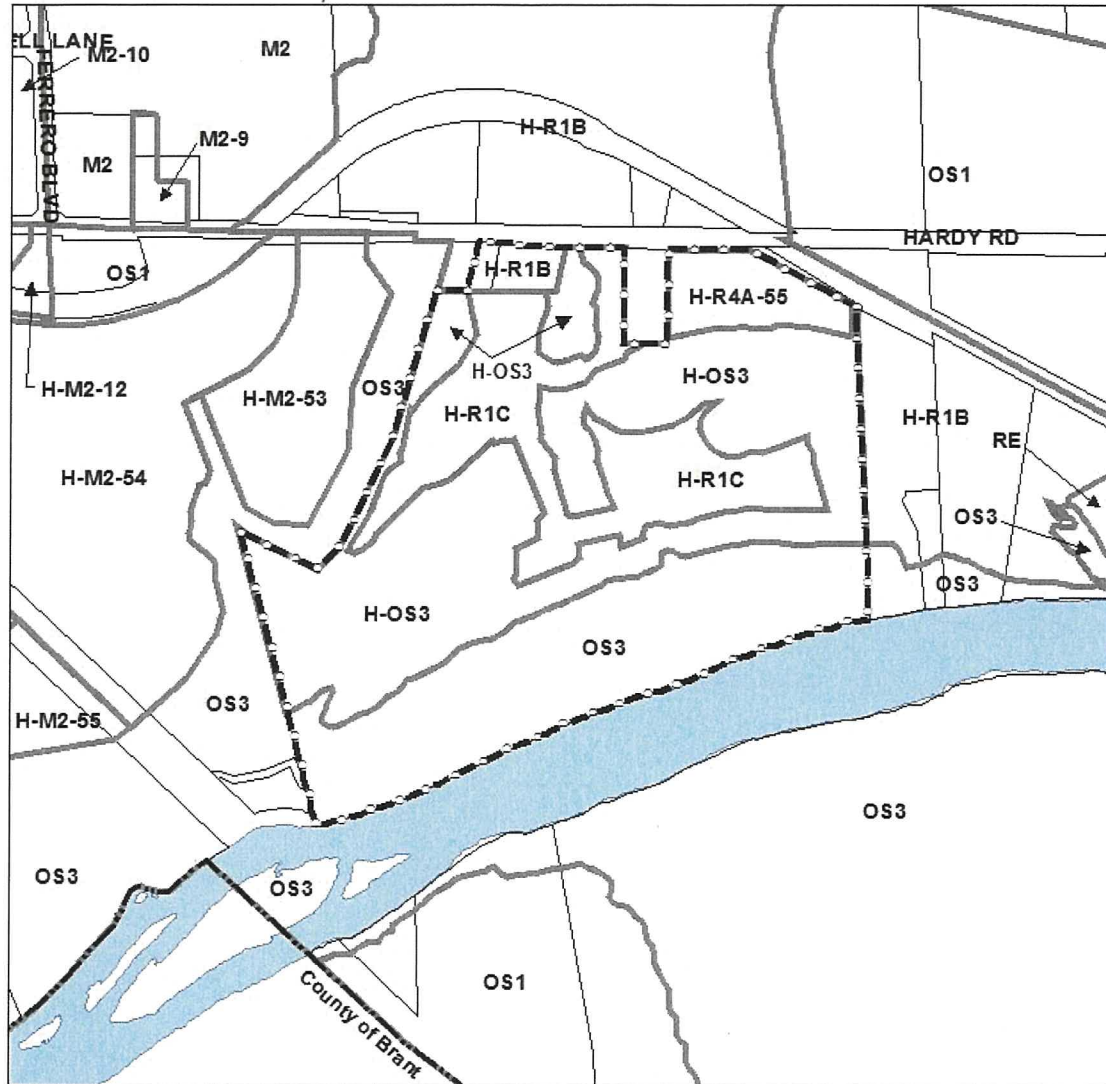
Scale: N.T.S.

File Number(s): OP-04-18

This is Schedule 'B' To Bylaw No. _____

Passed the _____ day of _____, 2022.

MAYOR_____
CLERKThis is "Map 1" of Amendment No. 6 to the City of
Brantford Official Plan, to amend Schedules 1, 3, 6 and 9Note: This schedule forms part of Amendment No. 6
to the Official Plan for the City of Brantford and must
be read in conjunction with the written text.

Appendix C – Existing Zoning By-law 160-90**ZONING BY-LAW**PZ-15-18 & OP-04-18 & 29CD-18503
277, 299 and 301 Hardy Road**LEGEND**

Subject Properties

EXISTING ZONING (Bylaw 160-90)

ZONE BOUNDARY

RE RESIDENTIAL ESTATE

R1B RESIDENTIAL Type 1B (15 metre)

R1C RESIDENTIAL Type 1C (12 metre)

R4A RESIDENTIAL MEDIUM DENSITY Type A

M2 GENERAL INDUSTRIAL

OS1 OPEN SPACE Type 1

OS3 OPEN SPACE RESTRICTED

H HOLDING PROVISION
-3 Exception Number

To: [Joshua Schram](#)
Cc: [Nicole Wilmot](#)
Subject: Bylaw review
Date: Friday, January 12, 2024 7:03:43 PM
Attachments: [FITC including Land Locked Property.pdf](#)
[Memo to CB re Valley setbacks Nov 23.docx](#)
[20240110_112810.jpg](#)
[20240110_112925.jpg](#)
[20240110_112945.jpg](#)
[20240110_113155.jpg](#)
[20240110_113213.jpg](#)
[20240110_113234.jpg](#)
[20240110_113321.jpg](#)
[20240110_113708.jpg](#)

Josh;

Further to our discussion, I wanted to summarize my comments:

1) New Forest Map C6

As you mentioned this map was likely created by your consultant in 2014. It certainly does not reflect the New Forest as it is today. Over the past 10 years, with the help of City staff and the community, the area has been naturalized through the planting of native trees and shrubs

An outline provided by Parks & Rec staff in 2016 better represents the areas that have been naturalized (light blue line)

As an aside, I mentioned that the area to the west of the New Forest property has recently been under construction by the City to rebuild a non functioning storm water pond. The plan is to plant the area around the pond this spring. Eventually, it would be desirable to have this pond and the area included in the New Forest boundaries. It certainly will end up being a natural area.

2) Setbacks for Valleys

Through the Brant Waterways Foundation I met John Hall (former Coordinator, Hamilton Harbour Remedial Action Plan, City of Hamilton). He shared his knowledge from his work with other municipalities. (attached)

The basic premiss, is that the valley does not stop at the top of the hill, it extends a minimum of 6 metres beyond the rise. This setback has been adopted by some jurisdictions. This setback is in place regardless of and E.A.

Currently at the New Forest, there is no setback. Fences and parking lots come right up to the edge of the valley. This does not afford appropriate environmental protection and should not be happening in the future.

3) Setbacks for Streams and Creeks

Streams and Creeks need naturalized setbacks for the protection of wildlife in them.

This is **regardless of whether the stream obtains the designation natural core area or not.**

There have been two significant spills to my knowledge that have entered the streams that feed the New Forest core natural area. Of course with no setbacks whatsoever small amounts of contamination could be leaching in on an ongoing basis. The creeks in the New Forest flow to Fairchild Creek and eventually the Grand River.

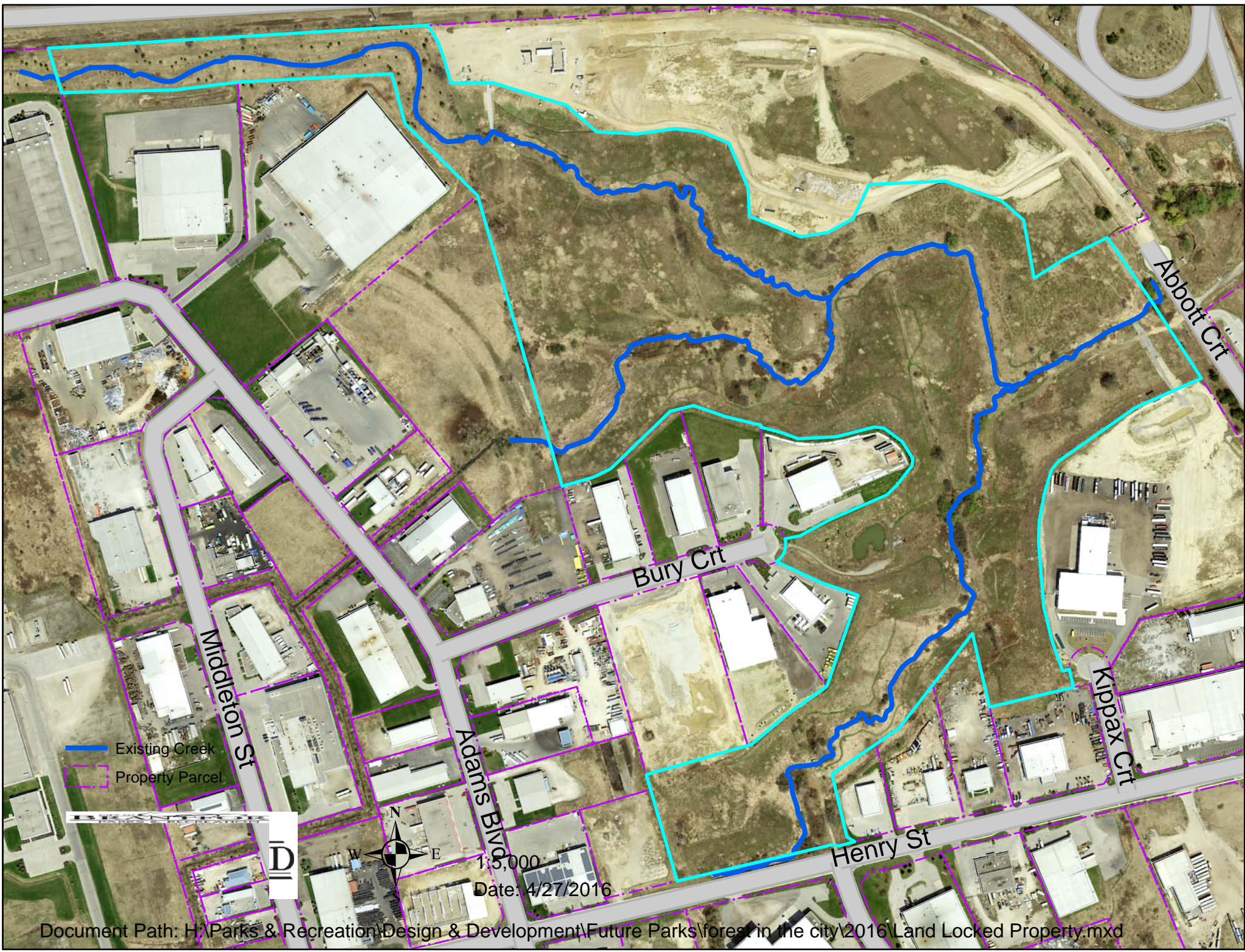
These streams are a source of wildlife and unfortunately during the last spill, a blue heron was

fishing in one of the effected creeks.

Currently, there are no setbacks whatsoever from the banks of these streams. Parking lots exist right up to the banks of the streams and in some cased buildings and storage tanks are within metres of the streams. This should not be acceptable in today's planning. I really question how this could happened in the first place. Moving forward, there should be prescribed setbacks, so there is not doubt about sufficient protection. E.A's are open to interpretation. Subscribed setbacks are not. Please see attached photos of the current situation. Minimum setbacks of 30 meters should be put in place.

Let me know if you have any questions

Chuck Beach



Existing Creek
Property Parcel

1:5,000
Date: 4/27/2016















ER
Flood
Hazard
Warning
Sign
This sign is to be used in areas where there is a potential for flooding. It is to be placed in a location where it is easily visible to the public. It is to be placed in a location where it is easily visible to the public. It is to be placed in a location where it is easily visible to the public.



Memo to: **Chuck Beach**

Regarding: **Valley Land Setbacks**

From: **John D. Hall**

Date: **November 18th, 2023**

Introduction:

Setbacks from valley lands are utilized by many municipalities in Ontario. Often they define the limit between protected natural areas and the extent of adjacent development. In some cases they define the limits to which buildings and adjacent infrastructure should be sited. In many situations, both setbacks for defining lands to be developed and construction limits are used together to ensure protection for the natural areas and the sustainability of adjacent development.

Here are some examples from the Region of Halton and Region of Waterloo.

Region of Halton:

In about 1980 the Town of Oakville undertook a major urban expansion creating what is the “Genstar” Glen Abby Community. In creating criteria for this expansion Oakville involved the development community, Halton Region (HR), Conservation Halton (CH) and Oakville’ staff and council. Setbacks from the major valley’s of Sixteen Mile and Bronte Creeks were established at 15 metres from the geographic top of bank. The minor creek valleys of other creeks were established at 7.5 metres. These setbacks recognized the valley lands as ecological entities and generally followed the limit of agricultural tillage on the adjacent farm land that was being redeveloped for urban use.

Conservation Halton and the Region of Halton along with Halton’s local municipalities for the most part adopted this criteria for “green field” development.

Conservation Halton for its part through its “fill, construction and alteration to watercourse” regulations adopted these setback criteria for use when providing input for municipal land use planning.

The Region of Halton (along with the Region of Waterloo) was one of the first municipalities to carry out environmental planning and defined “Environmentally Sensitive Areas”. Halton’s planning has progressed over the years to include in their official plan a “Natural Heritage System (NHS)”. As stated in the Halton Official Plan “The NHS is a systems approach to protecting and enhancing *natural features* ... on the basis of the following components

A) ... d)

E) significant valley lands”

Note ... This section of the Halton Official Plan is long and comprehensive.

Further on in this section of the Halton Official Plan it states

“201 The Region will in conjunction with the Local Municipalities ensure consideration is given to the acquisition of the critical parts of the Regional Heritage System through the development approval process as permitted by legislation.”

It is normal for the valley lands to be given to the local municipalities for a nominal amount (1 dollar) as this land is not developable and of no value to the developer. In the Oakville Official Plan it states under implementation 4.1.3 “Oakville won’t accept as *parkland* dedication valley lands ...”. Oakville does secure ownership as a land dedication for a nominal amount.

Oakville in its latest planning for its Northeast Community identifies a “Natural Heritage and Open Space System”. It should be noted, that this is a comprehensive system which includes not only environmental features but also linkages between those features.

Region of Waterloo:

Chapter 7 of the Official Plan for the Region of Waterloo includes a “Greenlands Network” which includes “... environmental features and linkages among them...” An “Overall Goal” states “Work with the Province, Area Municipalities, the Grand River Conservation Authority and private landowners to maintain, enhance and restore a comprehensive “Greenlands Network within the Region.”

Note: a Technical Appendix for Landscape Level Systems and Core Environmental Features complements the Official Plan.

Landscape Level Systems include:

- A) Environmentally Sensitive Landscapes
- B) Significant Valleys
- C) Regional Recharge Areas
- D) Provincial Greenbelt Heritage System

The Region of Waterloo’s Official Plan’s chapter on Greenlands Network is very lengthy and comprehensive. In section 7.1.10 “Area Municipalities are encouraged to secure ownership of elements of the Greenlands Network and to prepare management plans ... to restore ecological functions.”

In recent planning for Woolwich Township in the Region of Waterloo a draft sub watershed report “East Side Lands (Stage 2) contains:

6.0 Natural Heritage Strategy

Figure 6-1 lists a recommended setback of 15 metres from the top of bank of a significant valley.

Some Relevant Policy and Guideline Documents

Natural Heritage Reference Manual (OMNR 2010)
Greenland Network Implementation Guidelines; Guidelines for Determining Buffers Around Environmental Features (Region of Waterloo 2010)
How Much Habitat Is Enough (Environment Canada 2004)

Conclusion:

I have provided two examples of progressive setbacks used by municipalities in the Regions of Halton and Waterloo over the past three decades. In simple terms as a guideline:

15 metres from a stable top of bank for major valleys and;

7.5 metres from a stable top of bank for minor valleys.

Recommendation:

The City of Brantford and the County of Brant are embarking on new development along the valleys of the Grand River and its tributaries. A consistent approach to setbacks, the disposition of none developable valley lands and the long term role of the municipalities in the enhancement of natural landscapes would be a great step forward in providing a natural system along the Grand River. One good starting place would be the revisiting, updating and expanding Brantford's Waterfront Plan.

I hope this information is of assistance. If you need a more comprehensive report I am happy to provide the names of some currently practicing planners who could conduct any research required.



Mr. Joshua Schram, MA, MCIP, RPP
Senior Planner, Long Range Planning
City of Brantford
Planning and Development Services
City Hall, 100 Wellington Square
Brantford, ON N3T 2M2

Arcadis Professional Services (Canada) Inc.
410 Albert Street
Suite 101
Waterloo, Ontario N2L 3V3
Canada
Phone: 519 585 2255
www.arcadis.com

Date: January 18, 2024

Our Ref: 125609

Subject: Samarlin Homes

Proposed City of Brantford New Zoning By-Law (November, 2023)

155 ½ and 1591 Terrace Hill Street, Brantford

Dear Mr. Schram,

Please accept these comments prepared on behalf of Samarlin Homes as they relate to the Proposed City of Brantford new Zoning By-Law (November, 2023).

Our client participated within the Official Plan review and were satisfied with the land use and policy direction of the Official Plan as it relates to their lands.

Approved Zoning By-Law

The approved Zoning By-Law zones the lands on Schedule 'A' Map F-9 as Residential Conversion Zone 'RC'. The proposed development is for townhouse residential and given the property configuration and the permitted uses of the 'RC' zone (Section 7.8.1) would require a Zoning By-Law Amendment.

Proposed Development

As you may be aware, our client has been working with the city for the development of their lands and have completed Pre-submission Consultation for the development of townhouse dwellings. Since the Pre-submission Consultation, based on the comments received, they have been exploring alternative infill designs to address the housing need, better utilize the property configuration and to address compatibility with the surrounding neighbourhood. Their proposed infill development utilizes two properties where the parcel fabric is in a key-hole design (limited street frontage and a large redevelopment area to the rear) and which are like other properties located within the neighbourhood.

Proposed Zoning By-Law

The proposed Zoning By-Law zones the lands on Schedule 'A' Map D4 as 'NLR (F9, A270, C40)'. Section 7.4 Existing Neighbourhood Low-Rise (NLR) within Section 7.4.1 Table 31 for residential land uses only Single Detached dwelling and Semi-detached dwelling are permitted.

Based on the proposed Zoning By-Law, the proposed development would be considered as 'Dwelling, Block Townhouse' as defined within Section 4.73 or 'Dwelling, Stacked Townhouse' as defined within Section 4.78

Mr. Joshua Schram, MA, MCIP, RPP
City of Brantford
January 18, 2024

depending on which development concept they proceed with. Therefore, a Zoning By-Law Amendment would be required.

Implementation of the Approved City of Brantford Official Plan

Within the explanatory information of the proposed new Zoning By-Law on the City website, it states:

“The City of Brantford New Zoning By-Law will establish a new Zoning By-Law for the city of Brantford that is in conformity with the City’s Official Plan- Envisioning Our City:2052. Provincial policies and emerging best practices.”

Given the intent to implement the approved Official Plan, then guidance is provided through the policies as to what the permitted land uses should be provided within each residential zoning category. The approved Official Plan designates the property on Schedule 3 - Land Use Plan as Residential Designation. Official Plan Policy (Policies for Low-Rise Residential Buildings) 5.2.1.c. i, permits Single detached, semi-detached, duplex, and triplex dwellings and ii permits townhouse dwellings.

Policy 4.3.c.iii states:

“Intensification opportunities within the Neighbourhoods that are also within the Delineated Built-up Area may be limited, while those areas continue to evolve. Their contribution to the intensification target will be primarily compatible infill development on vacant lots and underutilized lands, the adaptive reuse or expansion of existing buildings, and the establishment of additional residential units in existing homes and accessory buildings;” and

Policy 5.1.b. states:

“Compatible development is development that respects or enhances the character of the community, without causing any undue, adverse impacts on adjacent properties. Compatible development is not necessarily the same as, or even similar to existing development in the vicinity.”

Recommendation:

It is our opinion that given the intent of the Zoning By-Law is to implement the approved Official Plan that the proposed Zoning By-Law to address conformity must also include as a permitted use within the Existing Neighbourhood Low-Rise (NLR) the land use of Dwelling, Townhouse. It is acknowledged that the property is located within the Designated Built-up Area, that this is primarily a vacant lot (two unused buildings exist), thus would qualify as an infill development and for the consideration of townhouse residential which is clearly permitted within the Official Plan. Therefore, with this modification a Zoning By-Law Amendment may not be required.

Other comments:

It is our opinion that ‘Existing’ is not required to be the prefix of the Neighbourhood Low-Rise (NLR) zone. Noting that other zones do not have a similar prefix of ‘Existing’. The Official Plan policies provides for the consideration of infill development and therefore a change to the land use that existed on the effective date of the By-Law could be considered and in conformity with the plan. Noting that ‘Existing’ also doesn’t appear on any Schedule ‘A’ of the proposed By-Law where the zones are referenced.

Within Section 5.0 Parking and Loading Regulations of the By-Law, it is not clear and understandable that where a garage is provided as part of a residential dwelling that the garage is to account for one of the required parking spaces.

Was it the intent to provide limited variation of colour change on Schedule ‘A’ within the same land use types (i.e., residential - yellow)?

Mr. Joshua Schram, MA, MCIP, RPP
City of Brantford
January 18, 2024

The effect of this By-Law will be to make many properties legal non-confirming status as site specific regulations have not been acknowledged.

We thank you for the opportunity to provide comments related to the proposed Zoning By-Law. Upon your review, we would be pleased to meet with you to discuss and would appreciate a response to our comments.

Sincerely,

ARCADIS PROFESSIONAL SERVICES (CANADA) INC.



Douglas W. Stewart, MCIP, RPP
Associate, Manager – Urban & Regional Planning

Email: douglas.stewart@arcadis.com

Direct Line: 519-585-2255 ext. 63212

cc: Samarlin Homes



Mr. Joshua Schram, MA, MCIP, RPP
Senior Planner, Long Range Planning
City of Brantford
Planning and Development Services
City Hall, 100 Wellington Square
Brantford, ON N3T 2M2

Arcadis Professional Services (Canada) Inc.
410 Albert Street
Suite 101
Waterloo, Ontario N2L 3V3
Canada
Phone: 519 585 2255
www.arcadis.com

Date: January 19, 2024

Our Ref: 114013

Subject: 712102 Ontario Inc.

Proposed City of Brantford New Zoning By-Law (November, 2023)
101 Catharine Avenue, Brantford

Dear Mr. Schram,

Please accept these comments prepared on behalf of Allumination Siding & Windows as they relate to the Proposed City of Brantford new Zoning By-Law (November 2023).

Our client participated within the Official Plan review and were satisfied with the land use and policy direction of the Official Plan as it relates to their lands.

Approved Zoning By-Law

The approved Zoning By-Law zones the lands on Schedule 'A' Map H-8 as Flood- Residential Conversion Zone 'F-RC'. The proposed development is for townhouse residential and given the property configuration and the permitted uses of the 'F-RC' zone (Section 7.8.1) would require a Zoning By-Law Amendment. It is noted the Prefix 'F' imposes additional limitation on the permitted land uses and regulations to guide redevelopment (i.e., no basements are permitted).

Proposed Development

Numerous redevelopment concepts have been developed and given the limitations of the Prefix 'F' and where no basements may be provided, other limiting matters in the Zoning By-Law and compatibility with the neighbourhood, the redevelopment of this property is better suited for townhouse development and not mid rise residential. Therefore, it is our opinion that the proposed Zoning By-Law should address the preferred form of development for townhouse dwellings.

Proposed Zoning By-Law

The proposed Zoning By-Law zones the lands on Schedule 'A' Map D4 as 'NLR (F9, A270, C40)'. Section 7.4 Existing Neighbourhood Low-Rise (NLR) within Section 7.4.1 Table 31 for residential land uses only Single Detached dwelling and Semi-detached dwelling are permitted.

Based on the proposed Zoning By-Law, the preferred proposed development would be considered as 'Dwelling, Block Townhouse' as defined within Section 4.73 and 'Dwelling, Street Townhouse' as defined within Section 4.79. Therefore, a Zoning By-Law Amendment would be required.

Mr. Joshua Schram, MA, MCIP, RPP
City of Brantford
January 19, 2024

Schedule B of the Zoning By-Law provides for a 'Flood Protection Overlay' and Section 3.10 provides for the guidance and limitation of the Flood Protection Overlay for redevelopment.

Implementation of the Approved City of Brantford Official Plan

Within the explanatory information of the proposed new Zoning By-Law on the City website, it states:

"The City of Brantford New Zoning By-Law will establish a new Zoning By-Law for the city of Brantford that is in conformity with the City's Official Plan- Envisioning Our City:2052. Provincial policies and emerging best practices."

Given the intent to implement the approved Official Plan, then guidance is provided through the policies as to what the permitted land uses should be provided within each residential zoning category. The approved Official Plan designates the property on Schedule 3 - Land Use Plan as Residential Designation. Official Plan Policy (Policies for Low-Rise Residential Buildings) 5.2.1.c. i, permits Single detached, semi-detached, duplex, and triplex dwellings and ii, permits townhouse dwellings.

Policy 4.3.c.iii states:

"Intensification opportunities within the Neighbourhoods that are also within the Delineated Built-up Area may be limited, while those areas continue to evolve. Their contribution to the intensification target will be primarily compatible infill development on vacant lots and underutilized lands, the adaptive reuse or expansion of existing buildings, and the establishment of additional residential units in existing homes and accessory buildings;" and

Policy 5.1.b. states:

"Compatible development is development that respects or enhances the character of the community, without causing any undue, adverse impacts on adjacent properties. Compatible development is not necessarily the same as, or even similar to existing development in the vicinity."

Recommendation:

It is our opinion that given the intent of the Zoning By-Law is to implement the approved Official Plan that the proposed Zoning By-Law to address conformity must also include as a permitted use within the Existing Neighbourhood Low-Rise (NLR) the land use of Dwelling, Townhouse. It is acknowledged that the property is located within the Designated Built-up Area, that this is primarily a vacant lot (one unused building exists), thus would qualify as an infill development and for the consideration of townhouse residential which is clearly permitted within the Official Plan. Therefore, with this modification a Zoning By-Law Amendment may not be required.

Other Comments:

It is our opinion that 'Existing' is not required to be the prefix of the Neighbourhood Low-Rise (NLR) zone. Noting that other zones do not have a similar prefix of 'Existing.' The Official Plan policies provide for the consideration of infill development and therefore a change to the land use that existed on the effective date of the By-Law could be considered and in conformity with the plan. Noting that 'Existing' also doesn't appear on any Schedule 'A' of the proposed By-Law where the zones are referenced.

Within Section 5.0 Parking and Loading Regulations of the By-Law, it is not clear and understandable that where a garage is provided as part of a residential dwelling that the garage is to account for one of the required parking spaces.

Was it the intent to provide limited variation of colour change on Schedule 'A' within the same land use types (i.e., residential - yellow)?

Mr. Joshua Schram, MA, MCIP, RPP
City of Brantford
January 19, 2024

The effect of this By-Law will be to make many properties legal non-confirming status as site specific regulations have not been acknowledged.

We thank you for the opportunity to provide comments related to the proposed Zoning By-Law. Upon your review, we would be pleased to meet with you to discuss and would appreciate a response to our comments.

Sincerely,

ARCADIS PROFESSIONAL SERVICES (CANADA) INC.



Douglas W. Stewart, MCIP, RPP
Associate, Manager – Urban & Regional Planning

Email: douglas.stewart@arcadis.com

Direct Line: 519-585-2255 ext. 63212

cc: 712102 Ontario Inc.



Mr. Joshua Schram, MA, MCIP, RPP
Senior Planner, Long Range Planning
City of Brantford
Planning and Development Services
City Hall, 100 Wellington Square
Brantford, ON N3T 2M2

Arcadis Professional Services (Canada) Inc.
410 Albert Street
Suite 101
Waterloo, Ontario N2L 3V3
Canada
Phone: 519 585 2255
www.arcadis.com

Date: January 22, 2024

Our Ref: 125609

Subject: 1884398 Ontario Limited

Proposed City of Brantford New Zoning By-Law (November, 2023)
71 Wilkes Street, Brantford

Dear Mr. Schram,

Please accept these comments prepared on behalf of 1884398 Ontario Limited as they relate to the Proposed City of Brantford new Zoning By-Law (November 2023).

Our client participated within the Official Plan review and were satisfied with the land use and policy direction of the Official Plan as it relates to their lands.

Approved Zoning By-Law

The approved Zoning By-Law zones the lands on Schedule 'A' Map F-7 as General Industrial Zone 'M2' Zone. The proposed development is for townhouse residential and given the permitted uses of the 'M2 zone (Section 10.2.1) would require a Zoning By-Law Amendment.

Proposed Development

Our client has completed the Pre-Submission Consultation for a street fronting townhouse development together with Additional Residential dwellings. Therefore, a proposed Zoning By-Law Amendment is required to implement the approved Official Plan.

Proposed Zoning By-Law

The proposed Zoning By-Law zones the lands on Schedule 'A' Map D3 as Residential Mid-Rise Zone 'RMR'. Section 7.2 and within Table 28 permits Additional residential unit, Apartment Dwelling, Back-to-Back townhouse dwelling, Stacked Townhouses and Street Townhouse dwelling and other permitted land uses.

Based on the proposed Zoning By-Law, the preferred proposed development would be considered as 'Dwelling, Street Townhouse' as defined within Section 4.79. The specific regulations are outlined within Section 7.7.1 and Table 34. Therefore, a Zoning By-Law Amendment would not be required for the permitted land use.

We have reviewed the previous preliminary development concept prepared for the Pre-Submission Consultation Meeting with the proposed Zoning By-Law and generally have no concerns save and except the following clarifications:

Mr. Joshua Schram, MA, MCIP, RPP
City of Brantford
January 22, 2024

- Within Table 33, #2 Street townhouse dwelling requires a minimum lot area of 160 square metres per primary dwelling unit. Should an Additional Dwelling Unit be proposed, the minimum lot area of 160 square metres does not have to be provided in addition to the primary dwelling unit. Please clarify.
- Within Section 5.0 Parking and Loading Regulations of the By-Law, it is not clear and understandable that where a garage is provided as part of a residential dwelling that the garage is to account for one of the required parking spaces.

Please confirm that the garage of a dwelling is considered one of the required parking spaces.

Other Comments:

Was it the intent to provide limited variation of colour change on Schedule 'A' within the same land use types (i.e., residential - yellow)?

The effect of this By-Law will be to make many properties legal non-confirming status as site specific regulations have not been acknowledged.

We thank you for the opportunity to provide comments related to the proposed Zoning By-Law. Upon your review, we would be pleased to meet with you to discuss and would appreciate a response to our comments.

Should you have any questions, do not hesitate to contact our office.

Sincerely,

ARCADIS PROFESSIONAL SERVICES (CANADA) INC.



Douglas W. Stewart, MCIP, RPP
Associate, Manager – Urban & Regional Planning

Email: douglas.stewart@arcadis.com

Direct Line: 519-585-2255 ext. 63212

cc: 1884398 Ontario Limited



January 24, 2024

Joshua Schram, Senior Planner
Planning Department
City of Brantford
58 Dalhousie Street
Brantford, ON N3T 2J2

e: JSchram@brantford.ca

Dear J. Schram:

**RE: DRAFT CITY OF BRANTFORD DRAFT ZONING BY-LAW:
LYNDEN PARK MALL, 84 LYNDEN ROAD, BRANTFORD
OUR FILE: 0793E**

On behalf of our client, KSNADG Lynden Park Inc., MHBC has reviewed the proposed City of Brantford draft Zoning By-law as it pertains to the lands located at 84 Lynden Road, known as the Lynden Park Mall (the Subject Property). This letter provides an overview of the current development status of the Subject Property and the applicable City of Brantford Official Plan policies and current Zoning By-law 160-90 regulations to establish the context for our comments and recommendations regarding the draft Zoning By-law.

1. SUBJECT PROPERTY: CONTEXT & ASSESSMENT

1.1 Current Context

The Lynden Park Mall master plan area including the Subject Property is located on the south side of Lynden Road, north of Provincial Highway 403 and east of the Wayne Gretzky Parkway. The Lynden Park Mall master plan area and Subject Property has a site area of approximately 30 ha (75 ac) and contain an enclosed shopping centre that provides 34,978 m² (376,500 ft²) of gross leasable area, and four freestanding pad buildings along with a proposed Costco and associated gas bar and existing City of Brantford former tourism centre and transit hub. The Subject Property is designated Major Commercial Centre (MCC) and currently zoned District Centre Commercial Exception 4 (H-C11-4). The Subject Property is adjacent to Employment Area designated and zoned lands that are situated directly east along Woodyatt Drive.

1.2 City Of Brantford Official Plan

The Subject Property is designated Major Commercial Centre (MCC) and within a Strategic Growth Area (SGA) in the Official Plan: Envisioning our City (2051)(Office Consolidation: Sept, 2022). The Official Plan, section 5.3.2 Major Commercial Centre Designation, indicates that the intent of the Official Plan, specifically as it pertains to the MCC designation, is to:

facilitate the ongoing evolution of the retail sector in Brantford with a minimum of policy interventions with respect to the amount and type of commercial space and/or facilities.

The Official Plan's policy direction provides flexibility for intensification of the Subject Property while broadening the range of uses. Permitted uses include those uses permitted in the Downtown Urban

Growth Centre Designation identified in section 5.3.1.b. In regards to retail uses, the following policy applies:

5.3.1.b.i *Retail and service commercial uses, including but not limited to department stores, grocery stores, restaurants and retail warehouses.*

In terms of the broader range of uses permitted within the MCC designation, these include: office; retail; residential units in stand-alone and mixed-use Mid-Rise and High-Rise Residential Buildings; live-work units; cultural, entertainment and recreational; hotel; institutional; commercial parking facilities; auto-focused uses; and, community uses.

The Official Plan notes that SGAs are areas of the City, “where people live and work and are expected to include a broad mix of higher density residential uses, a full range of commercial uses, as well as institutional uses.” Development in SGAs, “is encouraged to accommodate an array of uses, <while> a mix of uses is encouraged on individual development sites and within individual buildings” (s.4.2.a.vii). According to s.5.3.a, Strategic Growth areas have the potential to accommodate significant growth, in an intensified built form, primarily within Mid-Rise and High-Rise buildings through transit-supportive densities and mix of uses.

As noted in previous submissions to the City of Brantford, policy 5.3.2.a of the Official Plan, speaks specifically to minimizing policy interventions with respect to the amount and type of commercial space and/or facilities within the Major Commercial Centre designation. This policy is addressed through our comments in section 1.3 below.

1.3 Zoning By-Law 160-90

In the current Zoning By-law 160-90 (“ZBL 160-90”), the Subject Property is zoned as a District Centre Commercial Exception 4 Zone (H-C11-4). The current list of permitted uses within the C11 zone are provided in the chart below:

ZBL 160-90: District Centre Commercial Zone Permitted Uses		
Amusement arcades	Junior Department Stores	Places of Worship
Amusement arcades, accessory	Major Department Stores	Private Parks
Arts Schools	Medical Clinics	Public Halls
Automobile Gas Bars	Medical Offices	Restaurants: Full service, take-out, fast-food (including drive-through service)
Automobile Service Stations	Mixed Use Buildings	Retail Stores
Automobile Washing Facilities	Neighbourhood Convenience Stores	Service and Repair Shops
Bakeries	Nursery Garden Centres, accessory	Specialty Retail Stores
Commercial Schools	Personal Service Stores	Supermarkets
Financial Institutions	Pharmacies	Veterinary Clinic
General Offices	Photocopy Shops	Day Nurseries
Grocery Stores	Photographer’s Studios	Accessory Uses, Buildings, Structures
Health Clubs	Medical Clinics	Section 6.1 Uses
Home Furnishing Stores	Place of Entertainment/Recreation	

In addition to the above permitted uses of the District Centre Commercial zone, the special use provisions of H-C11-4 zone also permit: apartment dwellings; hotel; retail warehouse; and, retirement home.

The H-C11-4 regulations also establish a range of specific development standards related to permitted maximum gross floor and gross leasable floor area and the phasing of same. These standards should not be carried forward as they contravene the Official Plan policy 5.3.2.a.: *It is the intent of this Plan to*

facilitate the ongoing evolution of the retail sector in Brantford with a minimum of policy interventions with respect to the amount and type of commercial space and/or facilities. And furthermore, the timelines for the phasing of gross leasable area on the Subject Property contained in the special provisions (being 2018 and 2021) have lapsed and are therefore no longer relevant.

The Holding Provision is related to the need for a land use compatibility assessment prior to the establishment of a residential use, as well as the execution of a site plan agreement for any new development except for minor additions and alterations to existing buildings as set out in the By-law.

2.0 DRAFT ZONING BY-LAW

In context of the City of Brantford Official Plan wherein the Subject Property is designated Major Commercial Centre, the draft Zoning By-law similarly zones the Subject Property as a Major Commercial Centre zone district (MCC) with the continued, but amended, site-specific provisions under H14-MCC. The proposed Draft Zoning By-law has transferred the site-specific floor area standards and implementation phasing of ZBL 160-90 but deleted the majority of the site-specific provisions of ZBL 160-90, s.9.11.3.4.4, namely the minimum parking standard of 4 spaces/100 m² of GFA and the additional permitted uses that included the retail warehouse use. During the City's Municipal Comprehensive Review process under the Official Plan Review process in 2017 and 2018, considerable City staff and agency consultation was undertaken by our client with respect to permitting retail warehouse uses on the Subject Property. While three of the four site-specific uses are now identified as permitted uses within the MCC zone Tables 20 and 21, 'retail warehouse' is no longer identified, even though the Official Plan permits such a use within the MCC designation. It should also be noted that while Retail Warehouse was a defined term in ZBL 160-90, it is not included, nor defined, within the draft Zoning By-law list of definitions and is not identified as a use within any zoning district of the Draft Zoning By-law.

2.1 Parking Standards

Within the Official Plan, s.5.3.2.c Development Policies, the policy states that buildings may develop as comprehensively planned centres, consisting of individual buildings or multi-unit buildings and that these sites have the potential to intensify with a broader mix of uses around the existing shopping centres. The proposed draft Zoning By-law parking provisions do not conform to the Official Plan, as the Zoning By-law applies parking space requirements to individual uses and individual buildings and their uses rather than to the 'comprehensively planned site'. For an established Mixed Use Commercial zoned site, such as the Subject Property, the opportunity to intensify is non-existent given the implementation of parking space requirements based on an individual permitted use approach. In the case of the current site-specific zone provisions under H-C11-4 (ZBL 160-90) of the Subject Property that require 4 spaces/100 m² of GFA, the opportunity for a 'shared parking space' approach is feasible and permits intensification, whereas applying Section 5.2 Table 7 Off-Street Parking Requirements will not support attracting new uses and will not support the intensification of the existing shopping centre.

2.2 Permitted Uses

The following chart compares the current in effect non-residential uses to the proposed Draft permitted uses in the MCC zoning district. Green highlighted rows indicate uses that are being transcribed from Zoning By-law 160-90 to the MCC Zone's list of permitted non-residential uses in the Draft Zoning By-law. It should be noted that the proposed 'drive-through' use is identified in the MCC zone with a "(1)" footnote within Table 21, but what this signifies is not noted beneath either Table 20: Permitted Residential Uses in the Mixed Use Zones or beneath Table 21: Permitted Non-Residential Uses in the Mixed Uses in the Mixed Use Zone.

COMPARISON CHART: ZBL 160-90 TO DRAFT ZONING BY-LAW: MCC Zone – Non-Residential Permitted Uses		
Permitted Uses	ZBL 160-90 s.9.11.1	Draft Zoning By-law Table 21
Alternative Health Care		Y
Amusement arcades	Y	
Amusement arcades, accessory	Y	
Art Gallery		Y
Arts Schools	Y	
Automobile Gas Bars	Y	
Automobile Repair Garage		Y
Automobile Sales Establishment		Y
Automobile Supply Store		Y
Automobile Service Stations	Y	
Automobile Washing Facilities	Y	
Bakeries	Y	
Banquet Hall		Y
Bar		Y
Bed & Breakfast (Q1)		Y
Brewing on Premises Establishment		Y
Building Supply Centre		Y
Catering Service Establishment		Y
Child Care Centre		Y
Commercial Parking Area		Y
Commercial School	Y	Y
Crisis Residence		Y
Drive-Through ¹		Y ¹
Elementary School		Y
Financial Institutions	Y	Y
Funeral Homes		Y
General Offices	Y	Y
Grocery Stores	Y	Y
Health Clubs	Y	
Home Improvement Centre		Y
Home Furnishing Stores	Y	
Home Occupation		Y (Q1)
Hotel		Y
Junior Department Stores	Y	
Major Department Stores	Y	
Medical Clinics	Y	Y
Medical Offices	Y	Y
Mixed Use Buildings	Y	
Museum		Y
Neighbourhood Convenience Stores	Y	Y
Nursery Garden Centre	Y	Y
Personal Service	Y	Y
Pharmacies	Y	Y
Photocopy Shops	Y	
Photographer's Studios	Y	
Place of Assembly		Y
Place of Entertainment / Recreation	Y	Y
Places of Worship	Y	Y
Post-Secondary School		Y

COMPARISON CHART: ZBL 160-90 TO DRAFT ZONING BY-LAW: MCC Zone – Non-Residential Permitted Uses		
Permitted Uses	ZBL 160-90 s.9.11.1	Draft Zoning By-law Table 21
Private Parks	Y	
Public Halls	Y	
Public Transit Facility		Y
Research Use		Y
Restaurant		Y
Restaurants: Full service, take-out, fast-food (including drive-through service)	Y	
Retail Stores	Y	Y
Service and Repair Shops	Y	Y
Specialty Retail Stores	Y	
Studio		Y
Supermarkets	Y	
Taxi Establishment		Y
Theatre		Y
Veterinary Clinic	Y	Y
Day Nurseries	Y	
Accessory Uses, Buildings, Structures	Y	
<i>Q1 – Permitted as a Secondary Use</i>		
<i>*Footnote 1 is not identified.</i>		

Residential Uses permitted in the MCC zone, which are supported, are listed in the chart below.

DRAFT ZONING BY-LAW: TABLE 20 MCC ZONE – RESIDENTIAL PERMITTED USES	
Apartment Dwelling	Live-Work
Child Care Centre	Lodging House
Group Correctional Home	Mixed Use Building
Group Home	Retirement Home
Home Child Care	Short-term Rental Accommodation ¹
<i>*Footnote 1 is not identified</i>	

In previous submissions to the City of Brantford, a new mixed-use concept was proposed for the MCC zone that would permit an office use at grade with public storage facilities above grade. Again, it is noted that in the draft Zoning By-law, public storage facilities continue to be permitted strictly within Employment Area zoning districts (e.g. Prestige and General Employment zones), even though such facilities represent commercial, rather than industrial manufacturing uses. In context of the Official Plan, that speaks to the 'evolution' of the retail sector, it is logical to identify public storage as a retail use and permit such uses within the MCC zone. Given that high density residential uses near public transit hubs is the focus of the MCC designation, signifies that the 'public' should be able to store their personal goods within walking distance of their residences, rather than requiring vehicular transportation to an industrial area inaccessible via public transit. It is a known fact that with the growth of the 'sharing economy' (e.g. Uber), has resulted in a significant decline in car ownership amongst Millennials.

2.3 Section 6.6 PROVISIONS FOR MCC ZONE

Non-Residential Provisions: Building Height:

While the draft Zoning By-law permits stand-alone non-residential uses within the MCC zone, the Table 25 building height requires a minimum building height of 3 storeys, with a metric standard of 15 metres

as a maximum height. Given that existing and proposed non-residential uses tend to be only 1 storey in height, but measure 6 metres, the standards should be altered to a metric value or to the number of storeys permitted for non-residential uses to ensure existing retail centres continue to conform.

Residential Provisions: Design Criteria

Subsection 6.6.2 Additional Provisions of section 6.6 Provisions for MCC Zone, defers to section 6.4.2 Lower Downtown Zone: Additional Provisions with respect to design criteria for apartment buildings, mixed use buildings or other residential use in the MCC zone. These types of design criteria should be contained within a separate Design Guideline document, rather than in a Zoning By-law. It is noted that many of the criteria found in subsection 6.4.2 are replicated guidelines from major municipal centres, such as Mississauga (e.g. Downtown Built Form Standards, s.4.3 Podium Design and s.4.4 Middle Shaft (Residential Point Towers)), which may not be appropriate within the context of a generally less dense municipality. The requirement for 2 to 3 storey building podiums with towers, the building length of 60 m, the 3 m tower setback from podium edge, the 25 m tower separation distance and tower floor plates of 750 m² represent Mississauga standards. It is not clear why the City of Brantford is replicating such design criteria given that recent reviews indicate that such design criteria negatively impact the provision of housing units due to lost floor space.

3. PROPOSED REGULATORY AMENDMENTS

The following represents our recommendations to amend several regulations contained within the MCC zone that would facilitate the permission of new retail uses and retail use built forms.

3.1 Permitted Uses

- Add 'Public Storage' as a permitted use within the MCC Zone, Table 21: Permitted Non-Residential Uses in the Mixed Use Zones;
- Add 'Retail Warehouse' to permitted non-residential uses in Table 21, to be in conformity with the City of Brantford Official Plan policies of the MCC designation, as noted through Official Plan, policy 5.3.2.1.b.i;
- Remove reference to 'Warehouse, Public Storage' throughout the Zoning By-law as it is not defined (e.g. Table 40, item 43);
- Retain "Automobile Gas Bar" as a permitted use within the MCC zone as previously permitted in the C11 zone of ZBL 160-90;

3.2 Definitions

- Retain definition of 'Retail Warehouse' of ZBL 160-90 and include within the draft Zoning By-law section 4.0 Definitions;
- Retain definitions of 'Junior Department Store', 'Senior Department Store' and 'Specialty Retail Store' of ZBL 160-90 and add as permitted uses within the draft Zoning By-law, MCC Table 21, as the proposed definition of 'Retail Store' means a 'building', rather than a building with multiple 'retail stores' or multiple specialty and department stores;
- Add the term 'fast-food' to the Definition 4.202 Restaurant to explicitly note this type of food service as a permissible use by definition;
- Retain a portion of ZBL 160-90 Definition of 'Shopping Centre' that states that ownership of the shopping centre may be held in multiple ownership of more than one lot, such that the definition would read as follows:

4.219 Shopping Centre

- *Shall mean a lot or lots with a group of commercial uses designed, developed and managed as a comprehensive development for which common loading spaces, parking areas, landscaping areas and other common facilities may be provided, and which is*

*held under ~~one~~ **single or multiple** ownership, or by participants of the condominium or commercial cooperative, or where it is held in multiple ownership of more than one lot, the total area of the properties shall be deemed to be a lot for the regulations of this By-law and where the lands are designated for ~~predominant use is commercial uses~~ **retail store***

3.3 MCC Zone Provisions

- In Table 25: Provisions for the Major Commercial Centre Zone, delete item 4. Minimum Building Height for Non-Residential Uses as this converts existing building heights of one storey to be non-conforming uses.
- Replace Table 25, item 4, non-residential use building height to be a minimum of 1 storey.

3.4 Site-Specific Provisions

- As in previous recommendations submitted to City, request removal of H14.a that restricts gross floor area (GFA) and phasing of gross leasable area (GLA) for the Lynden Park Mall as these are not in conformity with Official Plan policy 5.3.2.a. In addition, any new MCC development would not be restricted regarding GLA, as directed by the Official Plan, s.5.3.2.a, and minimizing interventions with respect to the amount and type of commercial space/facilities.
- Retain the non-residential parking rate standard of 4 spaces/100 m² GFA for the extent of the H14-MCC zoned block, and notwithstanding the list of individual parking space requirements in Section 5.2, Table 7: Off-Street Parking Requirements.

4. CONCLUSION

We appreciate the opportunity to provide our comments regarding the City of Brantford draft Zoning By-law. We would also like to thank you for incorporating a portion of our requests to add our site-specific uses, such as apartment dwelling, hotel and retirement home, to the list of generally permitted MCC uses. While these were included in the draft Zoning By-law, we have noted above that our other requests to include retail warehouse and public storage, were not. Should you wish to discuss our proposed regulatory amendments, or require clarification of same, we would be pleased to meet with you.

Yours truly,

MHBC



Oz Kemal, BES, RPP, MCIP
Partner

cc. KSNADG Lynden Park Inc.



January 25, 2024

Joshua Schram, Senior Planner
Planning Department
City of Brantford
58 Dalhousie Street
Brantford, ON N3T 2J2

e: JSchram@brantford.ca

Dear Mr. Schram,

**RE: CITY OF BRANTFORD DRAFT ZONING BY-LAW
40 RICHMOND STREET, BRANTFORD
OUR FILE 2387F**

MacNaughton Hermesen Britton Clarkson Planning Limited (MHBC) is retained by 40 Richmond GP LTD., with respect to the lands municipality addressed as 40 Richmond Street in the City of Brantford (hereinafter referred to as the "Subject Lands"). The purpose of this letter is to provide an update on the Subject Lands and to inform planning staff and the New Zoning By-law Project team of our proposed development applications.

The Subject Lands consist of four parcels of land located south of Henrietta Street, bound by Albion Street to the west, Pearl Street to the east, and Richmond Street to the south. The Subject Lands are 1.13 ha (11,281 m²) in size and are 'L' shaped. The Subject Lands have approximately 74 m of frontage along Richmond Street, approximately 170 m of frontage along Albion Street, and approximately 130 m of frontage along Pearl Street.

The Subject Lands are accessed via Albion Street. The Subject Lands are currently occupied by a two-storey former school building and an associated parking lot and paved area. The balance of the lands are occupied by Robert Moore Park, an existing public park. Our client has an Agreement of Purchase and Sale with the City of Brantford with respect to the lands occupied by Robert Moore Park.

The City of Brantford Official Plan designates the Subject Lands as 'Residential' and 'Parks & Open Space' in accordance with Schedule C - Land Use Plan. In the current City of Brantford Zoning By-law 160-90, the Subject Lands are split zoned 'Institutional School Zone' (I2) and 'Open Space Type 1 Zone' (OS1). In the draft new City of Brantford Zoning By-law, released November 2023, the Subject Lands are split zoned 'Minor Institutional' (I1) and 'Open Space' (OS).

On December 19, 2023, our team attended a pre-consultation meeting with City staff. During this meeting our proposed development concept was discussed. The proposed comprehensive development of the Subject Lands includes an adaptive re-use of the former school building to

accommodate 22 residential units. In addition, an 11-storey residential apartment building containing 199 residential units and a townhouse block consisting of 24 back-to-back stacked townhouse units are proposed on the current park lands.

We anticipate submitting Official Plan and Zoning By-law Amendment applications before the summer of 2024. With our upcoming applications, we will be proposing to redesignate the Robert Moore Park lands from "Parks & Open Space" to "Residential", and comprehensively rezone the Subject Lands to 'Residential High Density Zone (RHD)'. This application will support delivering much needed compact housing in close proximity to downtown Brantford.

We appreciate the opportunity to provide an update on our proposed development and we will continue to monitor the New Zoning By-law Project. Should you wish to discuss our proposed development and anticipated amendments we would be pleased to meet with you. If there is anything further you may require in relation to this letter, please do not hesitate to contact us.

Yours truly,

MHBC

A handwritten signature in black ink, appearing to read 'Oz Kemal', written in a cursive style.

Oz Kemal, BES, MCIP, RPP
Partner



January 25, 2024

Joshua Schram, Senior Planner
Planning Department
City of Brantford
58 Dalhousie Street
Brantford, ON N3T 2J2

e: JSchram@brantford.ca

Dear Mr. Schram,

**RE: CITY OF BRANTFORD DRAFT ZONING BY-LAW
25 WILLIAM STREET, BRANTFORD
OUR FILE 2387G**

MacNaughton Hermesen Britton Clarkson Planning Limited (MHBC) is retained by 25 William Ltd., with respect to the lands municipality addressed as 25 William Street in the City of Brantford (hereinafter referred to as the "Subject Lands").

The Subject Lands are located at the northeast corner of William Street and Church Street and are currently occupied by a three-storey building. The building was previously used as an office for the Canadian Red Cross, but has remained empty since the property was put up for sale in 2021.

In the current City of Brantford Zoning By-law 160-90, the Subject Lands are zoned 'Residential Converted' (RC-9). This Zone permits low density residential and offices. In the draft New City of Brantford Zoning By-law, released November 2023, the Subject Lands are zoned 'Neighbourhood Low-Rise' (NLR). This zone permits bed and breakfast establishments, childcare centre, crisis residence, group home, group correctional home, home childcare, lodging house, semi-detached dwellings, short term rental accommodation and single detached dwellings.

The owner is currently contemplating the potential for a mid-rise development on the Subject Lands. We anticipate this would require an amendment to the Zoning By-law. A pre-consultation application will be submitted to the City prior to summer 2024, and we look forward to discussing this application with staff.

We appreciate the opportunity to provide an update on the Subject Lands and will continue to monitor the New Zoning By-law Project. Should you wish to discuss our proposed development we would be

pleased to meet with you. If there is anything further you may require in relation to this letter, please do not hesitate to contact us.

Yours truly,

MHBC

A handwritten signature in black ink, appearing to read 'Oz Kemal', written in a cursive style.

Oz Kemal, BES, MCIP, RPP
Partner



Partners:

Glen Broll, MCIP, RPP

Colin Chung, MCIP, RPP

Jim Levac, MCIP, RPP

Jason Afonso, MCIP, RPP

Karen Bennett, MCIP, RPP

In Memoriam, Founding Partner:

Glen Schnarr

January 25, 2024

GSAI File: 777-017

777-019

777-020

City of Brantford Planning Department
58 Dalhousie Street
Brantford, ON
N3T 2J2

Attention: Joshua Schram, MCIP RPP
Senior Planner, Long Range Planning

Alan Waterfield, MCIP RPP,
Manager of Long Range Planning

RE: City of Brantford Draft Comprehensive Zoning By-law Review
Tutela Heights West
205, 209, 211 Mount Pleasant Street (PI-49-23)
299 Mount Pleasant Road (PI-78-23)
367, 389, 393, & 409 Mount Pleasant Road (PI-75-23)

Glen Schnarr & Associates Inc. (GSAI) are the planning consultants for:

- Kennedy (Mount Pleasant) Inc., registered owner of 205, 209, 211 Mount Pleasant Street;
- Cachet Developments (Mt. Pleasant) Inc., registered owner of 299 Mount Pleasant Road;
- 393 Mount Pleasant Inc., registered owner of 367, 389, 393 Mount Pleasant Road; and,
- 409 Mount Pleasant Inc., registered owner of 409 Mount Pleasant Road.

The lands above are considered herein as the Subject Lands. The registered owners above are represented by Cachet Homes. On their behalf, we are pleased to provide this Comment Letter in relation to the Subject Lands and the ongoing City of Brantford draft Zoning By-law Review. GSAI is generally in support of the draft Zoning By-law, especially the new Greenfield Residential zone, as it concerns the Subject Lands. Context and additional detailed comment is provided below.

Background

Within the City of Brantford Official Plan, the Subject Lands are identified as Designated Greenfield Area and designated Residential. The Subject Lands are also within the Tutela Heights West Block Plan, as approved by the City on November 17, 2023. Within the Tutela Heights West Block Plan, the Subject Lands are designated “Low Rise Residential One”, “Low Rise Residential Two”, “Low Rise Residential Three”, and “Stormwater Management Facility”.

The Subject Lands were included in the municipal boundary adjustment lands that were annexed to the City of Brantford, from the County of Brant, in 2017. As such, the Subject Lands are currently subject to the County of Brant Zoning By-law 61-16 and are zoned “h-1 SR”. The Holding (h-1) designation requires that an Area Study shall be required with public consultation in advance of any development proposals being submitted for approval, to ensure that development takes a form compatible with adjacent land use.

For context to this Comment Letter, GSAI and Cachet Homes have advanced Zoning By-law Amendment and Draft Plan of Subdivision pre-consultation applications for the Subject Lands, under City files PI-49-23, PI-78-23, and PI-75-23. A first application submission has been made for file PI-49-23 (as of January 23, 2024), and initial pre-consultation meetings have been scheduled for PI-78-23 and PI-75-23 (both occurring on January 25, 2024).

These applications are intended to comprehensively implement the vision and policy of the Tutela Heights West Block Plan. Proposed Development for the Subject Lands generally consists of residential single detached and townhouse dwellings, two stormwater management ponds, two park spaces, a joint school site, and pedestrian-focused rights-of-way.

City of Brantford’s Draft Zoning By-law (November 2023)

We understand that the City’s new Zoning By-law will establish a comprehensive Zoning By-law for the City and will regulate all municipal lands, replacing both the City of Brantford Zoning By-law 160-90 and the County of Brant Zoning By-law 61-16 (as applicable to the annexed lands). As the Subject Lands are presently subject to the County of Brant Zoning By-law, the existing and planned Zoning By-law Amendment applications for the Subject Lands will amend the County of Brant Zoning By-law. **We assume that if any site-specific zoning by-laws are passed to lands currently subject to County zoning, prior to the final approval of the City-wide comprehensive zoning by-law, a City-initiated housekeeping amendment will follow.**

The November 2023 draft Zoning By-law released for comment by City staff currently zones the Subject Lands as predominantly Development (D). A small area to the north of the Subject Lands is additionally designated Core Natural (N).

Draft Greenfield Neighbourhood Zone ("GNLR")

GSAI is generally in support of the draft GNLR zone, as detailed in the November 2023 draft Zoning By-law, which permits single detached dwellings and street townhouse dwellings. We believe that this zone would be appropriate for the Subject Lands and similar to the proposed zoning within their existing and future Zoning By-law Amendment applications, which have been designed to align with the intention of the City's draft Zoning By-law.

Application file PI-49-23, while still under review by the City, currently proposes residential zoning of "Holding 1 Residential Singles Exception XX (h-1-R1-XX)", "Holding 1 Residential Medium Density Exception XX (h-1-RM2-XX)", and "Open Space 1 Exception XX (OS1-XX) – as defined within County of Brant Zoning By-law 61-16. Zoning for applications PI-78-23 and PI-75-23 are not yet determined but are expected to propose similar zoning.

Our recommendations for GNLR zoning provisions within Section 7.51 (*Lot and Building Requirement by Building Type*) are illustrated in the tables below. Any provisions not listed are agreeable and supported by GSAI. As demonstrated, only minor amendments are suggested to the draft GNLR zone provisions and the majority of zoning standards are supportable.

Single Detached Building Type		
Provisions	Draft GNLR zone	GSAI Recommendation
Max. Lot Coverage	40%	50%
Min. Rear Yard	7.5 metres	7.0 metres
Min. Front Yard to Main Wall	4.5 metres	4.0 metres
Max. Height	10 metres	12 metres
Min. Front Landscape Open Space	50%	30%

Front yard, rear yard and front landscape open space minimums for single detached building types are proposed slightly smaller than the November 2023 provisions to build in tolerance for variation in built form and to accommodate a more current, urban built form. The recommended slight increase in lot coverage percentage and height maximum will maximize living space for future residents.

Street Townhouse Building Type		
Provisions	Draft GNLR Zone	GSAI Recommendation
Min. Frontage	6 metres	5.5 metres
Min. Street Setback	6 metres	4 metres
Max. Height	12 metres	13.5 metres
Min. Front Landscape Open Space	50%	30%

A slight decrease in minimum frontage is suggested to enable a more compact built form. 5.5 metre wide townhouse lots facilitate a common townhouse built form that our client has successfully implemented in other areas of Ontario. Slightly narrower lots will also facilitate the City in reaching minimum density targets and will efficiently utilize land. The approved Tutela Heights West Block Plan permits consideration of 5.5 metre frontages for street-fronting townhouses within a “Low Rise Residential Three” zone, and we believe the new Zoning By-law (and specifically the GNLR zone) should be consistent. The Tutela Heights West Block Plan is also intended to promote a mixture of housing types accessible to first-time buyers or those looking to downsize and age in place. A more compact built form supports this intention.

We believe the above recommendations, together with the existing draft provisions, will allow for a more animated street edge in GNLR zones. A more animated street edge supports resident engagement and safety, as well as active transportation and efficiency in the delivery of municipal services.

The above recommendations and existing provisions will also support increased density in the City’s developing greenfield area, while ensuring a similar built form and respectful transition from the City’s existing low-density residential areas at the built boundary.

The Tutela Heights West Block Plan area is intended to support a minimum density target of 55 persons and jobs per hectare. Meeting this minimum density requirement, as well as providing accessible resident amenities, is more achievable with the built form provisions recommended herein. As stated, these provisions will contribute towards a more affordable price point, responsive to current housing market conditions, and meet the City’s goal to deliver a variety of more affordable housing types.



Thank you for the opportunity to provide these comments. We respectfully request that our comments be considered by City staff and the Zoning By-law Task Force in formulating any final recommendations to City Council on this matter. We would be happy to meet with City staff and discuss our comments.

Respectfully submitted,
GLEN SCHNARR & ASSOCIATES INC.

Jennifer Staden, MCIP RPP
Associate



January 26, 2024

[via email: awaterfield@brantford.ca]

Alan Waterfield, Manager of Long Range Planning
Planning Department
City of Brantford
58 Dalhousie St
Brantford, ON N3T 2J2

Dear Alan Waterfield:

**RE: City of Brantford New Zoning By-law Project Comments – Losani Homes
OUR FILE 14196**

On behalf our client, Losani Homes, we have undertaken a review of the first draft of the City's new Zoning By-law. We are pleased to submit the following comments as it relates to our client's lands.

1) 501 Shellard Lane Subdivision

The Plan of Subdivision known as 501 Shellard Lane or Brantwest was Draft Plan Approved on December 22, 2017 (City File 29T-16502). Phase 1 of the subdivision was registered on April 27, 2021 and Phase 2A was registered on December 13, 2022. Phase 2B remains unregistered.

The lands are designated Residential and Core Natural Areas and site specific zoning was approved as part of the planning process for the plan of subdivision.

The lands are zoned a mix of the following:

- Site Specific Residential Type 1D Zone **(R1D-6)** and **(R1D-10)**
- Site Specific Institutional Zone – Holding **(H-I2-11)**
- Holding - Open Space Type 1 Zone (H-OS1)
- Site Specific Residential Medium Density Type A Zone **(R4A-62)** and **(R4A-61)**

The lands are proposed to be zoned a mix of Greenfield Neighbourhood Low-Rise (GNLR), Residential Mid-Rise (RMR), Minor Institutional - Holding 23 (H23-I1) and Open Space (OS) and Core Natural (N), however it is noted the site specific zoning for the residential zones has not been carried forward. The holding provision on the lands H-I2-11 has been modified and incorporated as Holding provision H23, however does not include provisions permitting development in accordance with existing site specific zoning provisions on adjacent lands. **We request that the site specific zoning provisions on the lands be considered in the new zoning by-law.**

2) 544 Shellard Lane (Euromart Subdivision)

Zoning By-law Amendment and Plan of Subdivision applications were submitted for 544 Shellard Lane in September 2021, with additional materials filed in February 2022. The applications were deemed complete on March 16, 2022. Since that time, we have been working with City staff to address comments such that the applications can be approved. A resubmission was filed with the City in December, 2023.

The Euromart lands are designated Residential and Core Natural Areas by the Official Plan. The proposed Plan of Subdivision conforms to the Official Plan.

Through the Zoning By-law Amendment process, it is proposed that the Euromart Subdivision be rezoned:

- Residential Medium Density Type A Exception Zone ("R4A-__")
- Residential High Density Exception Zone ("RHD-__")
- Open Space Type 3 ("OS3")

We have been working with staff to determine the appropriate site specific exceptions for each of the blocks within the proposed plan of subdivision.

We have reviewed the draft Zoning By-law and note that it proposes to zone the Euromart Subdivision Greenfield Neighbourhood Low Rise ("GNLR") and Core Natural ("N"). **We request that the draft Zoning By-law be revised to reflect the proposed zoning for the subdivision, including the required site specific provisions.** We will work with staff to prepare the appropriate site specific zoning by-law provisions for these lands through the processing of the ongoing zoning by-law amendment application.

Conclusion

We understand that site specific zoning will be incorporated into subsequent drafts of the zoning by-law following the public meeting on January 29th, 2024. Following release of additional details on the draft by-law, we intend to provide further comments regarding the site specific zoning on the lands.

Please accept this letter as input into the new zoning by-law for consideration. We will continue to monitor the new zoning by-law process and would be pleased to meet with staff to discuss our comments. Please contact the undersigned should you have any questions.

Yours truly,

MHBC



David Aston, MSc, MCIP, RPP
Vice President, Partner



Melissa Visser, MSc
Intermediate Planner

cc. William Liske, Losani Homes
Travis Skelton, Losani Homes
Emily Elliott, MHBC
Stephanie Mirtitsch, MHBC



Thursday, January 25, 2024

City of Brantford
Planning Department
58 Dalhousie Street
Brantford ON N3T 2M2

Attention: Alan Waterfield
Manager, Long Range Planning

Joshua Schram
Senior Planner, Long Range Planning
City of Brantford, Planning Department

RE: BRANTFORD ZONING BY-LAW REVIEW - COMMENTS

Corbett Land Strategies Inc. (CLS), on behalf of Multani Custom Homes, is pleased to submit the following comments in response to the new City of Brantford Zoning By-law. It is our understanding that the City is receiving comments on the Draft November 2023 Zoning By-law until January 26th. Further, that the City will be convening a public meeting on January 29th. Based on our review of the Draft Zoning Bylaw, CLS has following comments and concerns as it pertains to the subject property located at 339 Erie and 0 Dover Avenue which are proposed to change for from F-H-R4A to IC (339 Erie Avenue) and Extension from R4A to H20-RMR (0 Dover Avenue).

1. Pertaining to the zone change for 339 Erie, we recommend that the subject lands be zoned in accordance with a more appropriate zone such as RMR, given the properties little amount of frontage and the applications currently being processed at this time seek to permit a townhouse form development. If not feasible to the City, it is then recommended that the IC zone be updated to permit *Street Townhouse* uses as-of-right, to ensure the development, once approved, is not immediately featuring legal non-conforming uses.
2. Further to the above, street townhouse dwellings are a permitted use in the IC zone, however it does not include explicit street townhouse zone standards (instead "Street townhouse dwelling with a detached rear garage" or "Street townhouse dwelling with an integral rear garage" standards are provided only). For street townhouses which meet the Q1 qualification, which zone standards are applicable?
3. Further to question number 2, if the proposed IC zone permits townhouses with the standards of the "Street townhouse dwelling with a detached rear garage" or "Street townhouse dwelling with an integral rear garage", several standards may prove to be problematic. In particular the ZB proposes to increase the required landscaped open space from 30.0% of lot area in existing zones to 75.0% (of the front yards) of street townhouse dwellings with detached/Integral rear garage. Given that the definition of street townhouses dwellings can occur with access on a private road, this could be a

significant increase and particularly for condominium residential developments which front onto private roads and not reflective of today's market standards (approximately 30%). Per question number 2, please confirm the applicable standards for Street Townhouses in the IC zone?

4. Similarly, back-to-back townhouse dwellings are a permitted use yet back-to-back townhouse zone standards are not provided. Would back-to-back townhouses fall under the requirements for block townhouses?
5. Can you confirm the difference between block and street townhouses? In reviewing the proposed definition, (generally) *dwelling, street townhouse* may have frontage on a public or private street, while a *dwelling, block townhouse* may have common access to a public street. Please confirm what would the difference be between common access to a public street or frontage on a private street?
6. The proposed Draft Zoning By-law is seeking to change the required parking rate for street townhouse dwellings from 1 space/unit to 2 spaces/unit. Can you please confirm that one of the two required parking spaces can be located within the garage?
7. For the property located at 0 Dover Avenue (proposed to be rezoned from R4A to H20-RMR), the Draft Zoning By-law is proposing to increase the required landscaped open space from 30.0% of lot area in existing zones to 50.0% of lot area in the proposed new zone for street townhouse dwellings. From our work in Hamilton, Brantford and nearby municipalities, a 50% landscape open space requirement is almost always sought to be amended. Further, a reduction may have the benefit of increasing housing densities by increasing the area of land to be devoted to building dwellings. We recommend that the existing standard remain as is and that staff provide further information on the necessity of this change?
8. The minimum height for street townhouse dwelling in the RMR zone is proposed to be 3 storeys, would it be more appropriate to permit a minimum height of 2 storeys, given that market conditions in Brantford facilitate a lot of 2 storey street townhomes?

Thank you for this opportunity to submit comments and feedback concerning the Draft Zoning By-law. CLS will continue to review and participate in the zoning by-law preparation process and as such, reserves the right to comment further on the changes to the Zoning By-law at a later date.

If there are any concerns or questions, please feel free to contact the undersigned.

Thank you,

Lindsey Goncalves

Lindsey Goncalves
Planning Technician
Corbett Land Strategies Inc.
lindsey@corbettlandstrategies.ca
613-700-1615



Thursday, January 25, 2024

City of Brantford
Planning Department
58 Dalhousie Street
Brantford ON N3T 2M2

Attention:	Alan Waterfield Manager, Long Range Planning
	Joshua Schram Senior Planner, Long Range Planning City of Brantford, Planning Department
RE:	246-250 GRAND RIVER AVENUE BRANTFORD ZONING BY-LAW REVIEW - COMMENTS

Corbett Land Strategies Inc. (CLS), on behalf of Multani Custom Homes, is pleased to submit the following comments in response to the new City of Brantford Zoning By-law. It is our understanding that the City is receiving comments on the Draft November 2023 Zoning By-law until January 26th. Further, that the City will be convening a public meeting on January 29th. Based on our review of the Draft Zoning Bylaw, CLS has following comments and concerns as it pertains to the subject property located at 246-250 Grand River Avenue.

1. Please confirm that the standards approved through By-law No.71-2022 will continue to apply.
2. Through the Draft Zoning By-law, the subject property is proposed to be rezoned from F-RHD-3 to RHR. Within this proposed zoning change, a new requirement that a minimum amount of amenity space (5 sq. m per unit) be provided indoors (25%) and outdoors (50%). Can you provide further information on the additional requirements for amenity space and why is this preferred instead of establishing separate indoor and outdoor amenity space standards as this provision may inadvertently limit the intensification of properties which are too small to provide outdoor or include a development program which necessitates only outdoor amenity.
3. Further to above, the Draft Zoning By-law requirement for amenity space is 5 sq. m per dwelling. Please clarify if the requirement is meant to be per unit rather than per dwelling.
4. The proposed zoning change results in a new provision where the minimum setback of the tower component of a high-rise shall be 12.5 metres to a property line that is not the street. Similar to question/comment number 2, this standard may prevent the intensification of certain properties which can not achieve the standard. It is therefore recommended that the setback be further reduced. Can you please confirm the rationale on adding this standard?

5. Under the proposed Zoning By-law, the parking standard for apartments will be changing from 1.5 space/unit to 1.15 spaces per unit. Please confirm that the site-specific rate, established through the recent zoning by-law approval will continue to apply to the subject property.

Thank you for this opportunity to submit comments and feedback concerning the Draft Zoning By-law. CLS will continue to review and participate in the zoning by-law preparation process and as such, reserves the right to comment further on the changes to the Zoning By-law at a later date.

If there are any concerns or questions, please feel free to contact the undersigned.

Thank you,

Lindsey Goncalves

Lindsey Goncalves
Planning Technician
Corbett Land Strategies Inc.
lindsey@corbettlandstrategies.ca
613-700-1615

PRELIMINARY BHBA QUESTIONS AND COMMENTS

CITY OF BRANTFORD DRAFT COMPREHENSIVE ZONING BY-LAW

January 30, 2024

Questions:

1. The Draft Comprehensive Zoning By-law provides for a broad number of zones where the Official Plan focuses future mixed-use growth. Section 6.0 provides for the Mixed-Use Zones, Section 7.0 for Neighbourhood Corridor, Residential Mid-rise Zone and Residential High-rise Zone and Section 5.0 for Parking and Loading Regulations.

Please outline how the city believes and demonstrates that the Draft Comprehensive Zoning By-law encourages, supports infill and redevelopment opportunities.

2. The expressed purpose of the Draft Comprehensive Zoning By-law is to implement the approved Official Plan.

The Existing Neighbourhood Low-Rise (NLR) zone within Section 7.4 and Table 31 permits Single Detached and Semi-Detached residential land uses. The approved Official Plan on Schedule 3 - Land Use Plan as Residential Designation.

Official Plan Policy (Policies for Low-Rise Residential Buildings) 5.2.1.c.

- i, permits single detached, semi-detached, duplex, and triplex dwellings and
- ii permits townhouse dwellings.

Please explain why Duplex, Triplex and Townhouse dwellings are not permitted land use within the NLR Zone.

3. The Draft Comprehensive Zoning By-law utilizes 'Existing' with the NLR Zone. Given that the Official Plan supports the consideration of infill and redevelopment within the Residential Designation, the use of 'Existing' does not reflect and potentially prejudices the opportunities for infill and redevelopment. The use of 'Existing' is not reflected within the Legend for the Schedule 'A' Zone: Maps.

Please explain why 'Existing' is utilized.



Proud Members
of CHBA & OHBA

4. Is it the intent of the Draft Comprehensive Zoning By-law to make many properties legal non-conforming status as many site-specific regulations have not been acknowledged.

This will place a burden on the landowner if proposed changes are made to require Committee of Adjust approval including additional cost for the application, professional fees, time delays, public consultation and uncertainty given it would require an independent decision and subject to an appeal.

Please explain why the By-law takes this approach.

5. The Draft Comprehensive Zoning By-law defines Live-Work Units (Section 3.20) and limits the use to street townhouses and mid-rise residential at grade as provided within Table 28 for the NCR and RMR Zones and within Table 33, provides for the applicable regulations.

Shouldn't the terminology be the same and not define as Live-Work Units and then reference them as Live-Work, dwelling.

6. The Draft Comprehensive Zoning By-law permits within Table 28 Additional residential units within the SR, NLR, GNLR, NCR, RMR save and except in an apartment building. Section 4.7 defines Additional Dwelling unit.

Shouldn't the terminology be the same.

If the Additional residential unit is proposed does the unit also have to provide the minimum lot area as Table 32 for townhouses requires a minimum lot area per unit.

7. Please confirm that the Draft Comprehensive Zoning By-law states that the garage for a residential dwelling if provided counts towards the required off-street parking space.

Please confirm and advise where this is stated.

8. Affordable Housing parking rate

Can you please explain how the city envisions implementing the Affordable Housing parking rate, we believe that many developer/builders will want to utilize this opportunity.

9. Mixed Use Buildings Parking Exemptions

To illustrate the proposed change, consider:

Building with 600m² of commercial and 30 residential units

Existing by-law for Area 1 – $600/30=20$ spaces required for commercial

1 space per residential unit – 30 spaces required for residential (TOTAL OF 50 spaces)

Area 1 – required 50% of the total so only 25 spaces are required (50x.5)

Proposed By-law Area 1 – $600/30=20$ spaces required for commercial

1 space per residential unit plus 0.15 for visitors – 35 spaces required for residential
(TOTAL OF 55 spaces)

Area 1 – required 50% of the total commercial parking - so 10 spaces for the commercial but now all the residential parking is required – (10+35) we now need 45 parking spaces.

Is our understanding correct of how the parking is now calculated in exemptions areas in the proposed zoning by-law?

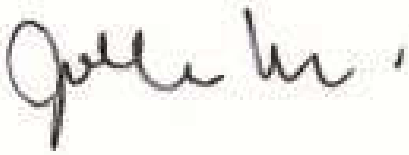
Comments:

1. The Interactive Zoning By-law Zoning Map is a very helpful and valuable tool and is user friendly.
2. The Interactive Zoning By-law Zoning Map provides the proposed zoning category but does not include the information provided on Schedule 'B' (Flood Protection Overlay.)

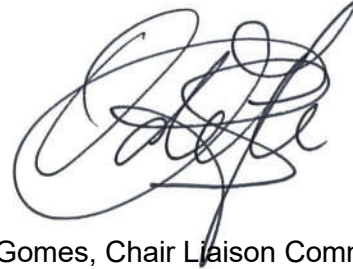
Recommend that this should be included in the Zoning information.

3. The Schedule 'A': Zone Maps - Index Plan should be set up to forward the user to the Zoning Map identified.
4. The Schedule 'A': Zone Maps should include the adjacent Map numbers to make them more user friendly.

5. Was it the intent to provide limited variation of colour change on Schedule 'A' within the same land use types (i.e. residential - yellow)



Jolene Koch, 2023-2024 President



Odete Gomes, Chair Liaison Committee



January 26, 2024

[via email: awaterfield@brantford.ca]

Alan Waterfield, Manager of Long Range Planning
Planning Department
City of Brantford
58 Dalhousie St
Brantford, ON N3T 2J2

Dear Alan Waterfield:

**RE: City of Brantford New Zoning By-law Project
Primont Homes – 169 Powerline Road and 239, 251 Powerline Road
OUR FILE 2232A**

On behalf of Primont Homes, we have undertaken a review of the first draft of the City's new Zoning By-law. We are pleased to submit the following comments as it relates to our clients lands municipally addressed as 169, 239, 251 Powerline Road (the "subject lands").

The subject lands are part of the Powerline East Comprehensive Block Plan and are located within a Designated Greenfield Area by Schedule 4 of the City of Brantford Official Plan. The subject lands are designated Residential and Core Natural Areas with a portion of the lands being further designated as a Neighbourhood Centre and Neighbourhood Corridor. The lands are planned to be developed through the comprehensive Block Plan process.

Comments on the Background discussion Papers and Strategic Direction Report were previously submitted on May 25, 2023 for consideration as it related to the subject lands. Following the submission of comments the draft Zoning By-law has been released and proposes to zone the subject lands Development (D) and Core Natural (N). We request the following additional comments be considered for incorporation into the new Zoning By-law.

1) Definitions

We are supportive of the newly proposed definitions for 'Back-to-Back Townhouse Dwelling' and 'Street Townhouse Dwelling'. We support the 'Street Townhouse Dwelling' definition which recognizes driveways with access from the public or private street or lane.

2) Residential Zoning Regulations

We have reviewed zoning regulations of the Greenfield Neighbourhood Low-Rise (GNLR) Zone, Residential Mid-Rise (RM) Zone, Residential High-Rise (RH) Zone and Major Commercial Centre (MCC) Zone. We are generally supportive of the zoning categories and permitted uses within each category, however, we would like to request consideration for alternative site specific regulations for the subject lands.

We note that site specific regulations for the Powerline East Comprehensive Block Plan area will be necessary to recognize the specific development plans for the area. We further request that site specific regulations be considered for general regulations including parking and encroachments detailed in Section 3 and 4 of this letter.

Greenfield Neighbourhood Low-Rise (GNLR) Zone

We understand the GNLR zone is intended to implement the Designated Greenfield Area designation of the Official Plan. The intent of the Designated Greenfield Area designation is to accommodate housing to meet the growth and density targets of the Official Plan. To support the Official Plan objectives, we request consideration for regulations which will achieve a more dense form of development and recognize a forward thinking development approach that meets Provincial policy direction to respond to current and future housing needs.

Within the GNLR Zone, we request the City consider the following zoning regulations:

a) Minimum lot width of 8 metres for single detached dwellings:

- The GNLR zone proposes a minimum lot width of 9 metres. We request consideration for a site specific provision for a lot width of 8 metres to allow for a denser form of development recognizes the provincial policy to meet housing demands.
- This request is consistent with other approved site specific provisions with the City.

b) Minimum rear yard setback of 7 metres for single detached dwellings:

- The GNLR zone proposes a minimum rear yard setback of 7.5 metres. We request consideration for a rear yard depth of 7 metres. Within recent Greenfield developments in the City of Brantford, site specific zoning regulations have been approved to permit rear yard depths of 6 and 7 metres.
- It is our opinion that a 7 metre rear yard would provide sufficient separation between units and allow for a denser form of single detached development that recognizes the provincial policy to meet housing demands.

c) Minimum interior side yard setback of 1.2 metres for all townhouse dwelling types:

- The GNLR zone proposes a minimum side yard setback of 1.5 metres for townhouse units. We request consideration for a minimum interior side yard setback of 1.2 metres for all townhouse dwelling types.
- Zoning regulations for single detached dwellings permits an interior side yard of 0.6 metres on one side and 1.2 metres on the other for a total building separation of 1.8 metres. The requested 1.2 metres would result in a building separation of 2.4 metres between townhouse dwellings. The resulting separation is greater than what is permitted between single detached dwellings and would be more aligned with current zoning regulations.
- The requested setback of 1.2 metres would meet fire separation requirements between buildings.

d) Minimum building height of 13 metres for all permitted uses (i.e. single detached and all townhouse dwellings):

- The GNLR zone proposes a minimum building height of 10 metres for single detached dwellings and 12 metres for townhouse dwellings.
- We request consideration for a building height of 13 metres for all dwelling types to allow for a variety of housing forms. The current housing market has seen an increased demand for 3-storey dwelling types. With increases in density, housing has seen a trend of increased height to accommodate housing forms that meet the needs of residents.

- A building height of 13 metres would accommodate an increased trend towards three storey buildings within the housing market, allow for greater architectural variations in single detached and townhouse dwellings, and allow for site specific variations in grading which may require considerations for minor increases in height.

e) Minimum front yard of 4.5 metres to the main wall for back-to-back townhouse dwellings:

- The GNLR zone proposes a 6 metre front yard setback to the main wall for street townhouse and back-to-back townhouse dwellings, whereas it proposes 4.5 metres for block townhouses and street townhouses with an integral garage.
- It is requested the 4.5 metre setback also be considered and back-to-back townhouse dwellings. The 4.5 metre setback would be consistent with the street frontage for other dwelling types in the Greenfield area and allow for variation in architectural design and massing. A setback required for parking within the driveway would be maintained for a portion of the building.

f) Minimum front yard of 3 metres for all street townhouse dwellings with rear integral garage:

- It is requested a 3 metre setback be considered for street townhouse dwellings with a rear integral garage. The 3 metre setback would further allow for building orientation to the street where parking is not required, and allow increased area at the rear for parking.

g) Minimum building width of 4.5 metres for townhouse dwellings:

- The GNLR zone proposes a minimum building width of 5.5 metres for block townhouse dwellings. It is requested that consideration be made for a minimum building width of 4.5 metres for townhouse dwellings, specifically for street townhouse dwellings with an integral rear garage.
- The current Zoning By-law makes site specific considerations for a building width of 4.5 metres for block townhouse dwellings. We request this also be considered for development within the area to support increased density of development.

h) Minimum lot coverage of 60% for single detached dwellings & 70% for townhouse dwellings & 80 % for back-to-back dwellings:

- We request consideration be made for modified lot coverage regulations which reflect the requested site specific provisions on the lands.
- A greater lot coverage requirement would recognize the requested site specific yard requirements for the lands.

i) Minimum lot area of 224 sq. metres for single detached and 125 sq. metres for townhouse dwellings:

- We request consideration be made for modified lot area regulations which reflect the requested site specific provisions on the lands.
- A reduced lot area recognizes the requested site specific provisions for lot width on the lands.

j) Minimum front yard landscaped open space of 30% for single detached and townhouse dwellings:

- We request consideration be made for modified front yard landscaped open space regulations which reflect the requested site specific provisions on the lands.
- A reduced front yard landscaped open space requirement recognizes the requirement for parking within the front yard and the minimum front yard setback to the main wall.

k) Clarification of amenity space requirements for back-to-back townhouse dwellings:

- The GNLR zone regulations require that outdoor amenity space be provided at a rate of 8 sq. metres per unit. Clarification is requested regarding the requirement for amenity space where back-to-back townhouse dwellings are not located within a condominium. Parkland and amenity space for freehold back-to-back dwelling units would be provided through public parkland located within the subdivision.
- We request considerations for amenity space be satisfied in the form of balconies for townhouse products.

Residential High-Rise (RH) and Major Commercial Centre (MCC) Zone

We have reviewed the Residential High-Rise and Major Commercial Centre (MCC) zones in the context of future development on the subject lands. We note that the RH zone provides additional provisions which define building separation, tower setbacks, 45 degree angular plane requirements and building width facing a front lot line. We generally have concerns with the inclusion of architectural design provisions within the Zoning By-law. The proposed zoning regulations add complexity to building design and can minimize on-site design considerations hindering the overall design process and resulting development. Complex zoning provisions can add additional design and constructions costs and constrain the building design process.

It is our opinion that detailed architectural provisions can be more appropriately applied through the City's Urban Design Manual or Urban Design Brief at the time of application, which will guide development design through to the site plan process. The benefit to this approach would be a reduction in anticipated zoning amendments and minor variances which may be required for a site-specific design requirements to meet the zoning by-law.

We request consideration be given for an increase in the maximum building height for both the RH zone and MCC zone to a height of 35 storeys. This is particularly relevant on the subject lands where higher density is proposed adjacent to a park in the context of the Neighbourhood Centre designation. We ask the City to consider an approach that would permit greater height and density in this location.

We further request consideration for increased maximum lot coverage for high rise development. Current development practices incorporate underground and podium parking as an alternative to at-grade parking resulting in a more pedestrian friendly design. Development practices also consider high quality interior amenity and roof-top amenity spaces which allow for an increased lot coverage. **We request consideration be made for a maximum lot coverage of 85%.**

3) General Zoning Regulations – Encroachments

We have reviewed the general zoning regulations as it relates to permitted encroachments. Current housing products require the permission of encroachments to recognize building design and on-site considerations. The following encroachments are requested to be considered:

- Second Storey: Permit the encroachment of the second story of a dwelling unit into the front yard to a maximum of 1.5 metres
- Unenclosed Stairs: Permit the encroachment of unenclosed stairs within the side and rear yards to a maximum of 3 metres.
- Porch or Deck: Permit the encroachment of a porch or deck to a maximum of 2.5 m, provided the projection is no closer than 0.6 m to a lot line

- Balconies: Permit the encroachment of balconies to a maximum of 1.7 m, provided the projection is no closer than 0.6 m to a lot line
- Bay Windows: Permit encroachment to include construction on foundations, and permit encroachment of 1 m
- Canopy: Permit encroachment of a canopy to be within 1 metre of a lot line.

4) Parking and Loading Regulations

We have reviewed Section 5 – Parking and Loading Regulations of the draft Zoning By-law and provide the following comments for consideration:

a) Parking space length of 5.6 metres abutting a street:

- Table 11 of Section 5 requires that parking spaces with direct access to a street be 6.0 meters by 2.75 metres. We request consideration be given for a parking space length of 5.6 metres abutting a street. The 5.6 metre parking space length would be sufficient for standard car lengths. The curb of the street is typically setback from the street right-of-way property line and would provide for additional driveway length.
- We request a 5.6 metre parking space length also be considered for garage spaces.

b) Clarification of visitor parking requirements for back-to-back dwellings within a condominium :

- The parking requirement proposed for back-to-back dwellings is 2.0 spaces per unit. Clarification is requested whether visitor parking would be required in addition to the 2 spaces provided when a back-to-back dwelling is located in a condominium development.
- The parking requirements for block townhouse dwelling is proposed at 1 space per unit plus 0.25 spaces per unit for visitors. It is requested that no additional visitor parking be required for back-to-back dwellings where 2.0 spaces per unit are provided.

Conclusion

Please accept this letter as input into the new zoning by-law for consideration. We will continue to monitor the new zoning by-law process and would be pleased to meet with staff to discuss our comments. Please contact the undersigned should you have any questions.

Yours truly,

MHBC



David Aston, MSc, MCIP, RPP
Vice President, Partner



Melissa Visser, MSc
Intermediate Planner

cc. Ian MacPherson, Primont Homes



BOUSFIELDS INC.

Project No. 20136

January 26, 2024

Joshua Schram, Senior Planner, Long Range Planning
Alan Waterfield, Manager of Long Range Planning
City of Brantford
100 Wellington Square
P.O. Box 818
Brantford, ON N3T 5R7

Dear Joshua and Alan,

Re: City of Brantford New Zoning By-law – First Draft Comments

We are the planning consultants for Virgoan Properties Ltd. And Biely Knowles Holdings Inc. (the “Owners”), with respect to their lands located to the west of Golf Road between Powerline Road and Paris Road, 250 Golf Road, 570 Powerline Road, and the lands located west of Balmoral Drive (the “subject site”).

Thank you for the opportunity to review and respond to the first draft of the New Zoning By-law (the “Draft ZBL”) for the City of Brantford on behalf of the Owners. The following comments are a summary of our key concerns, we will be providing additional comments related to the proposed performance standards for the greenfield residential zones. Those will be forthcoming in the next week or so, once we’ve had an opportunity to finalize our sketches of a typical dwelling unit product on a lot, which will accompany our submission.

1.0 Proposed Zoning for the Subject Site

According to Maps B2 and B3 of the New Zoning By-law, the subject site is zoned a mix of Development ‘D’ Zone and Core Natural ‘N’ Zone (see **Attachment 1**). Portions of the subject site is also subject to the Flood Plan Overlay Zone as identified on Schedule B (see **Attachment 2**).

2.0 Technical Changes

We are supportive of Section 2.18 of the Draft ZBL, since it allows for changes to the boundaries of the **Core Natural Zone** limits without the need for amendment or zoning modifications. In our opinion, these permissions should be expanded to include the **Flood Protection Overlay**.

3.0 Performance Standards

In our opinion, the performance standards proposed in the Greenfield Neighbourhood (GNLR), Neighbourhood Corridor, Residential Mid-Rise, and Residential High-Rise Zones are overly restrictive and do not capture modern urban zoning regulations that one would find in other similar sized Southern Ontario municipalities. Some of key concerns include:

- The low-rise residential zones assume a 30 metre lot depth.
- The minimum lot frontages do not provide for a variety of unit sizes.
- The maximum building heights are not representative of modern building heights with taller floor to ceiling heights.
- The minimum landscape requirements are overly restrictive and would not permit a more intense form of residential development.
- The Draft ZBL relies on the application of an angular plane for higher density residential development, which is inconsistent with other Southern Ontario municipalities that are moving away from angular planes and instead relying on utilizing built form impacts.
- The Draft ZBL includes performance standards that are normally found in urban design and site plan guidelines and standards (ex. Section 3.37). In our opinion, including detailed performance standards is overly restrictive and does not provide for the necessary flexibility that guidelines provide.

In our opinion, the Draft ZBL should be more permissive and flexible to encourage a variety of built form options. This is especially important as the City continues to intensify existing *built-up* areas and develops new *greenfield* areas, the latter of which is required to meet a minimum density of 50 persons and jobs per hectare.

4.0 Concluding Thoughts and Next Steps

As outlined above, we are in the process of testing the proposed minimum standards and our recommended minimum standards in order to rationalize and appropriate changes to the Draft ZBL. In this regard, we will be providing a further submission with specific changes to the minimum standards established in the Draft ZBL.

Thank you for the opportunity to participate in this important city building initiative, we look forward to continuing to collaborate with you in this regard.

Should you require any additional information or clarification, please feel free to contact Sara Gregory at sgregory@bousfields.ca or the undersigned.

Respectfully submitted,
Bousfields Inc.

David Falletta, MCIP, RPP



cc. Juli Laudadio, DG Group (via email)
Andrew Mulder, LIV Communities (via email)

sg/DF:jobs



January 26, 2024

[via email: awaterfield@brantford.ca]

Alan Waterfield, Manager of Long Range Planning
Planning Department
City of Brantford
58 Dalhousie St
Brantford, ON N3T 2J2

Dear Alan Waterfield:

**RE: City of Brantford New Zoning By-law Project Comments - Granite REIT
OUR FILE 15125**

On behalf our client, Granite Property Nominee Inc. (Granite REIT), we have undertaken a review of the first draft of the City's new Zoning By-law. We are pleased to submit the following comments as it relates to our client's lands.

1) General Comments

We have reviewed the General Employment (GE) and Prestige Employment (PE) zoning provisions as it relates to industrial development within the City and have the following general comments:

a) Permit Accessory Uses, Buildings and Structures within the GE and PE Zones:

We have compared the permitted uses of the proposed GE and PE zone with the existing M2 zone. We note that 'Accessory Uses, Buildings and Structures' have been removed from the permitted uses within the GE and PE zone. Accessory uses and buildings are often required for industrial development and removal of the permitted use may have unintended consequences for future development.

The removal of the permitted use will result in more restrictive zoning permissions requiring variances or zoning amendments for accessory uses required to support employment. It is requested that Accessory Uses, Building and Structures be permitted within both the GE and PE zones.

b) Maintain Parking Requirement of 1 space per 200 sq. m. GFA for Warehouse Uses:

The draft zoning by-law proposes increases in the parking requirements for warehouse uses. The increased requirement for parking will limit the buildable area available for the employment use, and is counteractive to the City's overall objectives to encourage sustainable development and multi-modal transportation. The amount of parking required for industrial development is generally market-driven and projected based on the end user of the lands. We request that the current parking requirement of 1 space per 200 sq. m. be maintained for warehouse uses in the parking regulations.

c) Maintain 10% Minimum Landscape Open Space Requirement:

The GE and PE zones propose an increase in the required landscape open space requirement from 10% to 15% of the lot area. The 5% increase in landscaped open space will have a significant impact on the land available for development. In combination with the proposed increases in parking requirements for warehouse parking, future building development will become constrained for space for employment uses. It is requested that the 10% requirement for landscape open space be maintained.

d) Maintain Minimum Rear Yard of 3 metres for GE and PE Zones:

The GE and PE zones propose an increased rear yard setback compared with the current M2 zoning regulations. We request the rear yard setback of 3 metres for the M2 zone be carried forward within the GE and PE zones. The proposed zoning regulations provide additional provisions for increased setbacks adjacent to residential zones which will address compatibility to sensitive land uses.

e) Site Specific Zoning

We note that site specific provisions have not been included in the first draft of the zoning by-law. We understand that site specific zoning will be incorporated into subsequent drafts of the zoning by-law following the public meeting on January 29th, 2024. We request that site specific zoning be carried forward for our client's lands, however we recommend that modified site specific zoning would be more appropriate to recognize current industrial development practices and recognize the proposed general regulations of the draft by-law.

Following the public meeting and release of additional details on the draft by-law, we intend to provide additional comments proposing modified site specific zoning provisions for the lands detailed below.

2) Hardy Road Subdivision - Site Specific Comments

The following section provides comments on the lands located within the Hardy Road Subdivision, owned by Granite REIT. Figure 1 identifies the lands outlined in red and shows the proposed zoning from the draft zoning by-law.



Figure 1: Hardy Road Lands - Location Plan and Proposed Zoning

a) 4 Bowery Road (Building 1):

The lands municipally known as 4 Bowery Road are located within a recently registered plan of subdivision. The lands are bounded by Oak Park Road, Bowery Road and Wright Street and have an area of approximately 9.14 hectares. The lands have been site plan approved for the development of an industrial building and are currently under construction (City File No. SPC-29-22). The lands were recently consolidated to facilitate development (City File No. B23-2022 – B29-2022). **We request that the lands be shown as consolidated as one parcel within the zone mapping for the lands.**

The lands are designated "General Employment" in the City of Brantford Official Plan permitting industrial uses and are currently zoned M2-55 by Zoning By-law 160-90. A Zoning By-law Amendment application was approved on July 26, 2022 modifying the site specific provisions on the lands (City File No. PZ-13-22).

The lands are proposed to be zoned General Employment (GE) and Core Natural (N) in the draft zoning by-law. We have concerns with the proposed mapping of the Core Natural Zone which have been modified from the existing zone on the site. The proposed mapping boundaries have resulted in a more restrictive use of the lands and are not consistent with the Official Plan, nor does the mapping recognize the approved development

of the lands. **We request that the zone mapping boundaries be modified to reflect the existing boundary between the M2-55 and OS3 zones.**

The proposed GE zone on the lands does not carry forward the existing site specific permissions on the lands. **We request the site specific provisions be reviewed in the context of current development practices, and that a revised site specific zoning be applied to the site.** We request the following site specific zoning provisions approved through By-law 122-2022 (City File No. PZ-13-22) be carried forward:

.3 Accessory Structure

.1 Notwithstanding Section 6.14 of this by-law, accessory silo structures shall be permitted up to a maximum height of 30 m.

.4 Parking for Manufacturing Uses

Notwithstanding Table 6.1 in Section 6.18.8 of this by-law, a minimum parking standard of 1.0 space / 150 sq. m. of Gross Floor Area (GFA) is required for parking for manufacturing uses.

b) 1-17 Pipe Street, 12 Wright Street (Building 2) and 2 Wright Street:

The lands municipally known as Pipe Street, 1 - 17 Pipe Street and 12 Wright Street are located within a recently registered plan of subdivision. Pipe Street is currently in the process of being removed and an agreement of purchase and sale has been reached for the transfer of Pipe Street from the City of Brantford to Granite REIT. The lands have an approximate area of 14.46 hectares and are planned to be consolidated for industrial development, and a formal site plan application will be submitted imminently.

The lands are designated "General Employment" by the City Official Plan permitting industrial uses and are currently zoned M2-54 in Zoning By-law 160-90. A Zoning By-law Amendment application was approved on July 26, 2022 modifying the site specific provisions on the lands (City File No. PZ-13-22). We are generally supportive of the General Employment (GE) Zone, however, we note that the lands previously contained the following site specific provision approved through By-law 122-2022 (City File No. PZ-13-22):

.3 Notwithstanding Section 6.10.1 of this by-law to the contrary, for Part 1, as shown on Schedule 'B', Map M2-54, where the lot abuts an Open Space Zone, a 0 m buffer shall be permitted.

We request that a 0 metre buffer to the Core Natural (N) Zone be carried forward through a site specific provision.

c) 1, 9, 15 & 21 Wright Street (Phase 2 Lands):

The lands referred to as the 'Phase 2 Lands' include lands municipally addressed as 1, 9, 15 & 21 Wright Street. The lands are currently vacant and have been graded and prepared for industrial uses. The lands are designated General Employment (GE) and Core Natural Areas and currently zoned a mix of M2-53, M2-54, and OS3. A Zoning By-law Amendment application was approved on July 26, 2022 modifying the site specific provisions on the lands (City File No. PZ-13-22). We are generally supportive of the General Employment (GE) zone proposed on the lands.

For lands municipally addressed as 15 & 21 Wright Street, we have concerns with the proposed zone mapping over the lands. The Core Natural (N) Zone boundary has been modified and has become more restrictive, compared with the current zone boundaries. The zone boundaries were previously established through technical studies completed as part of the registered plan of subdivision. **We request that the zone**

boundaries reflect the property boundaries as established through the existing plan of subdivision.

3) 107 & 115 Sinclair Boulevard – Site Specific Comments

The following section provides comments on the lands located at 107 and 115 Sinclair Boulevard. Figure 2 below identifies the location of the lands outlined in red and the proposed zoning from the draft zoning by-law.

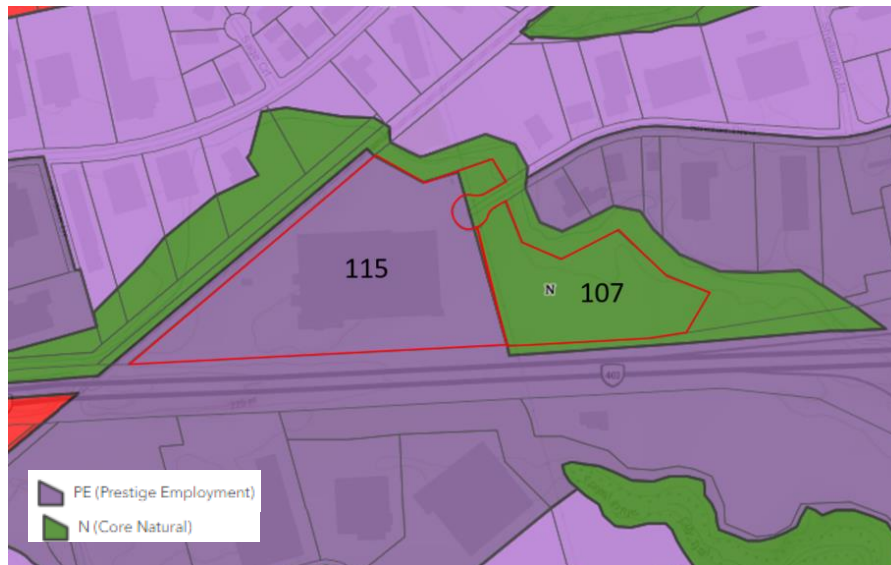


Figure 2: Sinclair Boulevard - Location Plan and Proposed Zoning

The lands municipally known as 115 Sinclair Boulevard are currently developed for industrial uses and contain Aspire Bakeries which is in operation. The lands are designated Prestige Employment in the Official Plan which permits manufacturing, warehousing and distribution uses. The lands are currently zoned M2 which permits a range of industrial uses in accordance with the Official Plan and are proposed to be zoned Prestige Employment (PE) and Core Natural (N) Zone.

We are generally supportive of the Prestige Employment Zone and the proposed permitted uses on the lands which include a food processing plant. We have concerns with the mapping of the Core Natural (N) Zone located on the portion of the lands, which is currently zoned M2. **We request the zone boundary mapping be updated to reflect the property boundaries and the in effect M2 Zone boundary on the lands and the currently operating use.**

The lands municipally known as 107 Sinclair are currently vacant and planned for future industrial use. The lands were designated Core Natural Areas through the most recent update to the Official Plan, however these lands are intended for employment, and are currently zoned M2 which permits a range of industrial uses. The lands are proposed to be zoned Core Natural (N) in their entirety. We have concerns with the proposed Core Natural zoning on the lands as it does not recognize potential for industrial use, and does not reflect existing environmental mapping, including the Grand River Conservation Area (GRCA) mapping. Any potential natural heritage features and associated buffers could be established through technical study and a future Planning Act application. **We request these lands be zoned to permit industrial uses.**

Conclusion

Please accept this letter as input into the new zoning by-law for consideration. We will continue to monitor the new zoning by-law process and would be pleased to meet with staff to discuss our comments. Please contact the undersigned should you have any questions.

Yours truly,

MHBC

A handwritten signature in black ink, appearing to read 'DAA', followed by a horizontal line.

David Aston, MSc, MCIP, RPP
Vice President, Partner

A handwritten signature in black ink, appearing to read 'Melissa Visser'.

Melissa Visser, MSc
Intermediate Planner

cc. *Frank Tozzi, Granite REIT*
 Alison Clements, Granite REIT
 Stephanie Mirtitsch, MHBC Planning



January 26, 2024

Joshua Schram, MA MCIP RPP
Senior Planner, Long Range Planning
Planning and Development Services

Mr. Schram,

RE: City of Brantford New Zoning Bylaw, Draft November 2023

Please find below the Grand River Conservation Authority's (GRCA) comments offered for the City's consideration regarding the November 2023 Draft Zoning Bylaw.

The comments have been organized according to the relevant sections in an effort to make them easier to follow.

Draft Zoning Bylaw (November 2023)

General Comment:

1. Consideration should be given to defining "Core Natural Zone" to provide an understanding of the components included within this zone (i.e., hazard lands, wetlands, etc.).

3.1 Accessory Uses, Buildings and Structures

2. Section (b) states that *accessory structures are not permitted in the core natural and hazard zones*. However, GRCA policies may allow for accessory structures within hazard zones provided they are associated with existing uses and certain requirements and size capacities are met. It is possible this may cause some discrepancies.

3.2 Additional Dwelling Units

3. Section (c) indicates that *additional dwelling units shall not be permitted in the basement of residential dwellings on lands zoned with the (F) prefix*.
 - It is understood the (F) prefix applied to all floodplain lands, both one-zone floodplains and special policy area floodplains. While GRCA is in agreement with

the above statement when it comes to special policy area floodplains, additional dwelling units should not be permitted in any location within one-zone floodplains.

3.10 Flood Protection Overlay

4. Section (c) indicates that “*Extensions and enlargements of up to 50 percent of the existing gross floor area shall be permitted*” within the flood protection overlay zone.
 - GRCA staff recommend this section be changed to “*Extensions and enlargements of the existing gross floor area **may** be permitted **in accordance with GRCA policies***.” While GRCA policies currently allow for extensions and enlargements of up to 50 percent or less of the original ground floor area, GRCA policies are subject to change.
5. It is recommended that section (d) be removed from the draft zoning bylaw. This section lists exemptions that currently do not require the issuance of a permit by the GRCA. However, GRCA policies are subject to change and interpretation of any exemptions should be made by GRCA staff. As it is possible GRCA policies may change prior to the next zoning bylaw review, removing this section may help to avoid inconsistencies in the future.

Should you have any questions or comments please feel free to contact me at 519-621-2763 ext. 2231 or lwagner@grandriver.ca. I would be happy to discuss any of the above comments in more detail as needed.

Sincerely,



Laura Warner
Resource Planner
Grand River Conservation Authority

January 26, 2024

VIA EMAIL

City of Brantford
Planning Department
58 Dalhousie Street
Brantford, Ontario N3T 2J2

Attention: **Alan Waterfield, MCIP RPP**
Manager of Long Range Planning
Joshua Schram, MA MCIP RPP
Senior Planner, Long Range Planning

RE: CITY OF BRANTFORD DRAFT NEW ZONING BY-LAW (NOVEMBER 2023)

We thank you for the opportunity to provide comments on behalf of Mattamy Homes with respect to the proposed new Draft Zoning By-law amendments.

Below are our comments in general but we have also prepared a copy of the draft amending By-law with specific comments on proposed zone regulations, please find attached Appendices A, B and C.

SECTION 1.0 USER GUIDE:

Section 1.2 e) Site Specific Exceptions

- The User Guide clearly identifies the potential that there will be site-specific exceptions to the zone regulations. This approach is appropriate and necessary given the need to recognize different configurations of development. However, the draft Bylaw does not appear to include any exceptions in any area of the city. Our comments on the greenfield zone regulations are made in the context that the City will use the proposed regulations as a guide but will establish site-specific exceptions as necessary to recognize the attributes of specific development plans. Such exceptions may also provide for exceptions to the general regulations, including parking and loading, and definitions.

SECTION 2.0 ADMINISTRATION:

Section 2.14 – Rounding

Suggesting rounding to one decimal place. Zoning with two decimal places can be problematic.

Is a provision required to protect for larger parcels where different condo corporations are introduced creating new “lots”? Perhaps a provision similar to: *Notwithstanding anything to the contrary, no non-conformity will be created as a result of any severance of the land for the purpose of mortgaging or conveying to a condominium corporation or any public authority?*

SECTION 3.0 GENERAL PROVISIONS:**3.8 Daylight triangle**

- Propose 0 metre building setback from the daylight triangle.

3.11 Frontage on a Public Street

- Include language to also permit frontage on a private street, Open Space Zone or Core Natural Zones (i.e. lane based towns that front onto open space or Core Natural)

3.14 Heating and Ventilation and Air Conditioning (Table 4)

- Permit ground level HVAC in front yard and interior and exterior side yards.

3.20 Live / Work Units

- Reduce the minimum area of a non-residential component of a live work to 20m².
- The maximum elevation of the ground floor entrance door should be 0.6 m to allow for 3 risers when a grade conditions exist
- Minimum height of the first storey for all non-residential uses should be 3.0 metres.

3.22 Model Homes

- a) Construction of model homes should be permitted after draft plan approval with a model home agreement rather than requiring that the subdivision agreement be registered.
- a) iii) Requirement for models to have access to a street should not be required. There is need to clarify that access does not need to be a public road in plan of subdivision, and that access can be from existing public road.
- a) iv) The maximum number of model homes should be 10% max of the total number of lots in a draft plan of subdivision as draft plans are large and require multiple models.

3.26 Permitted Encroachments (Table 6)

- 1. Propose that porches be located no closer than 0.9 metres to an interior side lot line and 1 metre to all other lot lines.
- 4. Include Bay and Box out window with or without a foundation with a maximum depth of 1 metre and width of 4 metres.
- 5. Propose that balconies be located no closer than 1 metre to all lot lines.
- Need a provision to be able to place HVAC (air source heat pumps and A/C) in interior and exterior side yards up to 0.3m to a lot line.

3.27 Public Services b)

- Model homes should be permitted with a registered model home agreement rather than registered subdivision agreement.

3.36 Utilities

- a) i) Setback minimum of 0.3m from any lot line in a residential or mixed use zone.

SECTION 4.0 DEFINITIONS:**4.91 Finished Grade**

The definition as worded could be a problematic if we have walk-up style houses. Perhaps Have the mean elevation taken from the external wall with the highest grade elevation?

4.128 Lane

Is additional language needed for public lanes or does this get included with “street, local”?

4.161 model home

Should be within a draft approved plan of subdivision.

- Add definition for Bay/Box window.

SECTION 5.0 PARKING AND LOADING:**Table 8 off street parking requirements**

- We request that you consider the following rates to account for the urban environment and anticipated public transit:
 - Apartment – 1.0 per unit plus 0.1 spaces per unit for visitors
 - Stacked townhouse – 1.0 per unit plus 0.1 spaces per unit for visitors
 - Back to back – 1.0 space per unit
 - Block townhouse (condo towns) – 1.0 per unit plus 0.1 for visitors

5.5 Parking Dimensions

Parking space with direct access to street should be 5.5 m

5.8 ii) Access to Parking

- Setback to garage door should be 5.5 metres

5.13 Bicycle Parking

- Table 14 - The short-term bicycle parking for Apartment dwelling should be 0.05.

5.15 Shared Parking Rates in Mixed Use Zones

- For mixed use buildings we request that there be a shared ratio for the required visitor and non-residential component.

SECTION 6.0 MIXED USE ZONES:**INTENSIFICATION CORRIDOR (IC) ZONE****6.2 Permitted uses - Table 20 IC ZONE**

- Permit back to back townhouse dwellings, block townhouse dwellings, stacked townhouse dwellings and street townhouse dwellings within 50 metres of an arterial road.

Permitted Non-residential uses IC ZONE Table 21

Add Temporary Sales Office and Public Storage to IC permitted uses.

6.8 Provisions for the intensification Corridor Zone

- Include provisions for back to back townhouse dwellings.
- Reduce minimum lot area for stacked townhouse dwellings and street townhouses dwellings with integral rear garage.
- Eliminate maximum lot coverage provisions. Other zoning regulations such as setbacks and encroachments should be used to govern.
- Reduce minimum height of non-residential uses to 1 storey.
- Eliminate requirement for minimum building step back for apartment and mixed use buildings.
- Reduce minimum ground floor height for mixed use buildings
- Reduce minimum front yard requirements.
- Reduce minimum rear yard setback requirements abutting a residential, mixed use and non-residential zones.
- Reduce minimum amenity space requirements for stacked townhouse dwellings and street townhouse dwellings with integral rear garages.
- Eliminate the requirement for minimum landscaped open space.
- Eliminate the requirement for a podium for apartment buildings and 45-degree angular plane requirements.
- See attached Appendix A with proposed provisions for Table 27.

7.0 RESIDENTIAL ZONES:

- Add elementary school to the list of permitted uses.

7.5.1 Lot and Building requirements for Greenfield Neighbourhood (GNLR) Zone – Table 32

- Reduce minimum lot frontage for single detached dwellings.
- Reduce minimum lot area requirements.
- Eliminate maximum lot coverage provisions. Other zoning regulations such as setbacks and encroachments should be used to govern.
- Reduce minimum front yard setback requirements to main wall and garage.
- Reduce minimum rear yard requirements.
- Reduce minimum outdoor amenity space requirements for street townhouse dwellings with integral rear garage, back to back townhouses and block townhouse dwellings.

- Reduce minimum front landscape requirements.
- See attached Appendix A with proposed provisions for Table 32.

7.6.1 Lot and Building requirements for Neighbourhood Corridor (NCR) Zone – Table 33

- Reduce minimum lot frontage for street townhouse dwellings.
- Reduce minimum lot area requirements.
- Eliminate maximum lot coverage provisions.
- Reduce minimum front yard setback requirements to main wall.
- Reduce minimum rear yard requirements.
- Reduce minimum interior side yard requirements.
- Reduce minimum outdoor amenity space requirements.
- Eliminate the requirement for front landscape open space.
- See attached Appendix A with proposed provisions for Table 33.

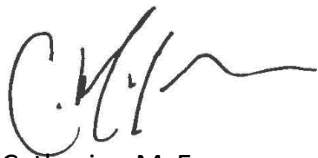
7.6.2 Additional Provisions

- iii. Revise the minimum distance from an integral garage of a stacked townhouse dwelling unit to 5.7 metres.
- iv. Reduce the minimum separation distance to 12 metres for a rear wall to rear wall condition and front wall to front wall condition.

We appreciate the opportunity to provide comments on the new Zoning By-law. Please feel free to contact me if you have any questions.

Regards,

KORSIAK URBAN PLANNING



Catherine McEwan

Encl.

Copy: Brad Trussler/Ryan Oosterhoff, Mattamy Development Corporation (encl.)

Table 27: Provisions for the Intensification Corridor Zone

Provision	Apartment Building / Mixed Use	Block townhouse Dwelling	Stacked townhouse Dwelling	Street townhouse Dwelling with Detached Rear Garage	Street townhouse with Integral Rear Garage	Back to back townhouses	Non-residential uses
1. Minimum lot frontage	NR	30 m	NR	5.5 m	5.5 m	6 m	NR
2. Minimum lot area	NR	135 m ² /unit	100 80m ² /unit	165 150m ² /unit	110 100m ² /unit	80 m ² /unit	NR
3. Maximum lot coverage	NR	40%	50%	60%	75%	NR	40%
4. Minimum height	3 storeys	3 storeys	3 storeys	3 storeys	3 storeys	3 storeys	3 1 storeys
5. Maximum height	12 storeys (1)	15 m	15 m	15 m	15 m	15m	12 m
6. Minimum building step back	1.5 m above 3 storeys (2) NR	NR	NR	NR	NR	NR	NR
7. Minimum ground floor height for mixed use buildings	4.5 m	NR	NR	NR	NR	NR	4.5 m
8. Minimum front yard	3 m	4.5 3.0 m	4.5 3.0 m	4.5 3.0 m	4.5 3.0 m	3.0 m	3 m
9. Minimum rear yard abutting a Residential or Mixed Use Zone	7.5 m	7.5 3.0 m	7.5 3.0 m	2.5m (3)	2.5 0.6 m (3)	0 m	7.5 m
10. Minimum rear yard abutting a non-residential zone	7.5 m	7.5 m	7.5 m	2.5m (3)	2.5m (3)	0 m	0 m
11. Minimum interior side yard abutting a building with windows on the facing wall	5.5 m	1.2 m	1.2 m	1.2 m (4)	1.2 m (4)	1.2 m	5.5 m

12. Minimum interior side yard where the mixed use building has windows facing the interior side yard	5.5 m	NR	NR	NR	NR	NR	NR
13. Minimum interior side yard abutting any other zone	0 m	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m	0 m
14. Minimum exterior side yard	3 m	3 m	3 m	3 m	3 m	3 m	3 m
15. Minimum amenity space	5 m ² /unit (6)	15 6 m ² /unit (5)	15 5 m ² /unit (5)	25 m ² /unit (5)	15 10 m ² /unit (5)	7 m ² /unit	NR
16. Minimum landscaped open space	30%	30% NR	50% NR	75% (7)	30% NR	NR	10%

Table 32: Greenfield Neighbourhood Low-rise Zone Lot and Building Requirements

Building Type	Min. Lot Frontage	Min. Lot Area	Max. Lot Coverage	Min. Front Yard to the Main Wall	Min. Rear Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Outdoor Amenity Space	Max. Height	Min. Front Landscape Open Space
1. Single detached dwelling	9 8.2 m	270 220m ²	40% NR	4.5 3.0 m (1)(2)	7.5 7.0 m	0.6 m and 1.2 m	3 2.4m	NR	10 m	50%
2. Semi-detached dwelling	7.5 m	225 200m ²	40% NR	4.5 3.0 m (1)(2)	7.5 7.0 m	1.2 m (4)	3 2.4m	NR	10 m	50% 20%
3. Street townhouse dwelling	6 m	160 150m ² /unit	60% NR	6 3.0 m	7.5 6.0 m	1.5 m (4)	3 2.4m	NR	12 m	50% 20%
4. Street townhouse dwelling with a detached rear garage	5.5 m	165 m ² / unit	60% NR	4.5 3.0 m	2.5 m (3)	1.5 m (4)	3 2.4m	25 m ² / unit (6)	12 m	75% 50%
5. Street townhouse dwelling with an integral rear garage	5.5 m	140 100m ² / unit	75% NR	4.5 3.0 m	2.5 0.6 m (3)	1.5 m (4)	3 2.4m	15 m ² / unit (6)	12 m	75% 40%
6. Back-to- back townhouses	6 m	80 m ² /unit	75% NR	6.0 3.0 m	0 m	1.5 m (4)	3 2.4m	8 m ² / Unit (6)	12 m	50% 10%

7. Block townhouse dwelling	30 m	135 m2 / unit	40% NR	4.5 3.0 m	7.5 7.0 m	1.5 m (4)	3 2.4m	15 m2 / unit (6)	12 m	30%(7)
8. Non- residential building	NR	NR	40%	4.5 3.0 m	7.5 7.0 m	4.5 (5)	4.5	NR	12 m	10% (7)

Table 33: Neighbourhood Corridor Zone Lot and **Building** Requirements

Building Type	Min. Lot Frontage	Min. Lot Area	Max. Lot Coverage	Min. Front Yard to the Main Wall	Min. Rear Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Amenity Space	Min. Height	Max. Height	Min. Front Landscape Open Space
1. Fourplex dwelling	15 m	450 m ²	40%	4.5 m	7.5 6.0m	1.5 m	3 m	NR	3 storeys (1)	4 storeys	50%
2. Street townhouse dwelling	6 5.5 m	160 150m ² /unit	60% NR	6 3.0m	7.5 6.0m	1.5 1.2m (2)	3.0 2.4 m	NR	3 storeys (1)	4 storeys	50% NR
3. Street townhouse dwelling with a detached rear garage	5.5 m	165 m ² / unit	NR	4.5 3.0m	2.5 m (3)	1.5 m (2)	3.0 2.4 m	25 m ² / Unit (6)	3 storeys (1)	4 storeys	75% NR
4. Street townhouse dwelling with an integral rear garage	5.5 m	140 100m ² / unit	75% NR	4.5 3.0m	2.5 m (3)	1.5 1.2m (2)	3.0 2.4 m	15 10m ² / Unit (6)	3 storeys (1)	4 storeys	75% NR
5. Back-to- back townhouses	6 m	80 m ² /unit	75% NR	6 3.0m	0 m	1.5 1.2m (2)	3.0 2.4 m	8 m ² / Unit (6)	3 storeys (1)	4 storeys	50% NR
6. Block townhouse dwelling	30 m	135 m ² /unit	40%	4.5 3.0m	7.5 m	1.5 1.2m (2)	3.0 2.4 m	15 6m ² /unit (6)	3 storeys (1)	4 storeys	30% NR (8)
7. Stacked townhouse	NR	100 m ² /unit	50% NR	4.5 3.0m	7.5 m	1.5 m	3 m	8 6m ² / Unit (6)	3 storeys (1)	4 storeys	50% NR

8. Apartment dwellings/ long term care home, retirement home	NR	NR	50%	3 m	7.5 m (4)	3 m (4)(7)	3 m(4)	5 m ² /unit (9)	3 storeys (1)	6 storeys(10)	30% (8)
9. Non-residential building	NR	NR	40%	3 m	7.5 m	4.5 m (5)	3 m	NR	3 storeys (1)	3 storeys	10% (8)
10. Live-work dwellings	5.5 m	135 110m ² / unit	60% NR	3 m	2.5 m (3)	1.5 1.2m (2)	3.0 2.4 m	15 5m ² / Unit (6)	3 storeys (1)	4 storeys	NR



Mr. Joshua Schram, MA, MCIP, RPP
Intermediate Planner
Long Range Planning
City of Brantford
58 Dalhousie Street
Brantford, ON N3T 2J2

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Phone: 519 585 2255
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Date: January 29, 2024

Our Ref: 134929

Subject: Proposed City of Brantford New Zoning By-Law (November 2023)
Tutela Heights West Landowners Group Inc.
Tutela Heights West Block Plan

Dear Mr. Schram,

Please accept these comments prepared on behalf of the Tutela Heights West Landowners Group Inc. as they related to the Proposed City of Brantford new Zoning By-Law (November 2023). Please note that these comments would be in addition to any comments specifically provided on behalf of individual landowners within the Landowners Group.

The focus of these comments will relate specifically to the boundaries of the Tutela Heights West Block Plan (Block Plan). as established within the approved City of Brantford Official Plan and the approved Block Plan. To assist the City, our comments will address each Map of the proposed new Zoning By-Law as it relates to the Block Plan.'

IMPLEMENTATION OF THE PREFERRED CONCEPTUAL MASTER PLAN (November 2023)

As you are aware, the Block Plan was approved by the City in November 2023 subject to minor red-line revisions. The approved Block Plan was the result of an extensive technical and consultative process that resulted in approval of detailed road pattern and land uses as illustrated on the Preferred Conceptual Master Plan and would be implemented by future Planning Act applications.

It is our opinion that there has been sufficient technical work completed and with agreement by the City and agencies to demonstrate that the proposed new Zoning By-Law should utilize the proposed appropriate zones of the By-Law and not just apply the proposed Development Zone 'D' within Section 14 of the proposed new Zoning By-Law.

IMPLEMENTATION OF THE APPROVED CITY OF BRANTFORD OFFICIAL PLAN

Within the explanatory information of the proposed new Zoning By-Law on the City website, it states:

“The City of Brantford New Zoning By-Law will establish a new Zoning By-Law for the City of Brantford that is in conformity with the City’s Official Plan- Envisioning Our City:2052. Provincial policies and emerging best practices.”

Given the intent of the proposed Zoning By-Law is to implement the approved Official Plan, then guidance is provided through the policies and schedules of the Official Plan. It is acknowledged that Schedule 2 of the Official Plan defines the Tutela Heights West Block Plan Area, and that Schedule 3 of the Official Plan provides another layer of designation, Schedule 4 provides sufficient land use designation to guide the Block Plan and thus the Preferred Conceptual Master Plan and the proposed Zoning By-Law. A copy of Schedule 4 of the Official Plan is attached.

RELATIONSHIP BETWEEN THE OFFICIAL PLAN, APPROVED BLOCK PLAN AND LANDOWNER INITIATED PLANNING ACT APPLICATIONS

There is a direct relationship between the approved Official Plan, the approved Block Plan and the Landowner initiated Planning Act applications. It is acknowledged that the implementation is dependent upon the Landowner wanting to proceed. However, no matter whether they were a participating Landowner or not, when implementing the Official Plan through a private initiated Planning Act application there must be demonstration that conformity with the Official Plan is achieved and the guidance through the approved Block Plan. The proposed Zoning By-Law is the result of a Planning Act application, and the Planning Act is clear that no By-Law be passed that is not in conformity with the Zoning By-Law. Therefore, we do not see a difference as to why the proposed Zoning By-Law would not have to follow this same premise. Therefore, it is our opinion that the proposed Zoning By-Law should at a minimum implement the approved Official Plan.

PROPOSED ZONING BY-LAW

The area of the Tutela Heights West Block Plan is included within four maps on Schedule 'A' of the proposed Zoning By-Law. The Schedule 'A' Zone Maps are:

- Map E3,
- Map E4,
- Map F3 and,
- Map E4

Interface between Farrington Independent Church/Burial Ground and 14067835 Canada Inc.

On Schedule 'A' Zone: Map E4, illustrates the lands deemed surplus that are to be conveyed from the Church/burial grounds to the adjacent landowner. A Consent Application was approved in 2023 and the transaction has not been completed. The proposed Zoning By-Law incorrectly illustrates the proposed interface and attached is a surveyor sketch which correctly illustrates the boundary.

Schedule 'A' Zone: Map E4 should be modified based on the attached surveyor sketch.

Stormwater Management Facilities

Based on existing stormwater management facilities, the proposed Zoning By-Law zones these facilities as Open Space Zone (OS). Within the Tutela Heights West Block Plan there are two proposed stormwater management facilities. It is noted that within Section 13.1 Permitted Uses – Table 45, the proposed Zoning By-Law does not identify stormwater management facilities as a permitted land use.

Based on the Preferred Conceptual Master Plan, Schedule 'A' Zone: Map E3 should be modified to zone Stormwater Management Facility 'A' as Open Space 'OS' and Schedule 'A' Zone: Map E4 should be modified to zone Stormwater Management Facility 'B' as Open Space 'OS'.

The proposed Zoning By-Law should add 'Stormwater Management Facility' as a permitted use in Section 13.1, Table 45.

Proposed Tutela Heights West Block Plan Zoning

Attached to this letter is a Figure that illustrates the recommended proposed zoning that is based in the proposed City Zoning By-Law in conformity with the Official Plan and consistent with the approved Preferred Conceptual Master Plan.

Tutela Heights West Block Plan - Non-Participating Landowners Properties

Through the preparation of the Block Plan the opportunity for all landowners to participate in the preparation of the Plan was provided and the landowners located adjacent to Mount Pleasant Road and Conklin Road declined. Through our review of the proposed Zoning By-Law and irrespective of the proposed Tutela Heights West Block Plan zoning as included with this letter, we express concerns with the proposed zoning for the existing lots adjacent to Mount Pleasant Road and Conklin Road for the non-participating landowners.

Included in the following charts for these properties are the municipal address, Proposed City Draft Zoning, Official Plan Designation (Schedule 4), Preferred Conceptual Master Plan (Approved) and our Recommended Zoning.

Municipal Address	Proposed City Draft Zoning	Official Plan Designation	Preferred Conceptual Master Plan	Recommended Zoning
315 Mount Pleasant Road	SR - Suburban Residential	Neighborhood Corridor	Multiple Residential	NCR-Neighbourhood Corridor Zone
331 Mount Pleasant Road	SR - Suburban Residential	Neighborhood Corridor	Multiple Residential	NCR-Neighbourhood Corridor Zone
333 Mount Pleasant Road	SR - Suburban Residential	Neighborhood Corridor	Multiple Residential	NCR-Neighbourhood Corridor Zone
335 Mount Pleasant Road	SR - Suburban Residential	Residential Designation	Low Rise Residential Two, Low Rise Residential Three and Multiple Residential	RMR – Residential Mid-rise Zone and GNLR – Greenfield Neighbourhood Low-rise Zone
347 Mount Pleasant Road	SR - Suburban Residential	Residential Designation	Low Rise Residential Two	GNLR – Greenfield Neighbourhood Low-rise Zone
355 Mount Pleasant Road	SR - Suburban Residential	Residential Designation	Existing Suburban Residential	SR- Suburban Residential Zone
359 Mount Pleasant Road	SR - Suburban Residential	Residential Designation	Existing Suburban Residential	SR- Suburban Residential Zone
365 Mount Pleasant Road	SR - Suburban Residential	Residential Designation	Existing Suburban Residential	SR- Suburban Residential Zone

Municipal Address	Proposed City Draft Zoning	Official Plan Designation	Preferred Conceptual Master Plan	Recommended Zoning
373 Mount Pleasant Road	SR - Suburban Residential	Residential Designation	Existing Suburban Residential	SR- Suburban Residential Zone
377 Mount Pleasant Road	SR - Suburban Residential	Residential Designation	Existing Suburban Residential	SR- Suburban Residential Zone
379 Mount Pleasant Road	SR - Suburban Residential	Residential Designation	Existing Suburban Residential	SR- Suburban Residential Zone
385 Mount Pleasant Road	SR - Suburban Residential	Residential Designation	Existing Suburban Residential	SR- Suburban Residential Zone
389 Mount Pleasant Road	D - Development	Residential Designation (rear) and Suburban Residential (front)	Existing Suburban Residential (front) and Low Rise Residential One (rear)	SR- Suburban Residential Zone (front) GNLR – Greenfield Neighbourhood Low-rise Zone (rear)
393 Mount Pleasant Road	D - Development	Residential Designation (rear) and Suburban Residential (front)	Existing Suburban Residential	GNLR – Greenfield Neighbourhood Low-rise Zone (rear) and SR- Suburban Residential Zone (front)
397 Mount Pleasant Road	SR - Suburban Residential	Residential Designation	Existing Suburban Residential	SR- Suburban Residential Zone
403 Mount Pleasant Road	SR - Suburban Residential (front) and D-Development (rear)	Suburban Residential (front) and Residential Designation (rear)	Existing Suburban Residential (front) and Low Rise Residential Two and Three (rear)	SR- Suburban Residential Zone (front) and GNLR-Greenfield Neighbourhood Low-rise Zone (rear)
405 Mount Pleasant Road	SR - Suburban Residential	Residential Designation	Existing Suburban Residential	SR- Suburban Residential Zone
411 Mount Pleasant Road	SR - Suburban Residential	Residential Designation	Existing Suburban Residential	SR- Suburban Residential Zone
415 Mount Pleasant Road	SR - Suburban Residential	Residential Designation	Existing Suburban Residential	SR- Suburban Residential Zone
421 Mount Pleasant Road	SR - Suburban Residential	Residential Designation	Existing Suburban Residential	SR- Suburban Residential Zone
423 Mount Pleasant Road	D-Development	Neighborhood Corridor (south) and Residential Designation (north)	Multiple Residential (south) and Low Rise Residential Three (north)	GNLR – Greenfield Neighbourhood Low-rise Zone (north) and NCR- Neighbourhood Corridor Zone (south)

Mr. Joshua Schram, MA, MCIP, RPP
City of Brantford
January 29, 2024

Municipal Address	Proposed City Draft Zoning	Official Plan Designation	Preferred Conceptual Master Plan	Recommended Zoning
429 Mount Pleasant Road	D - Development	Neighborhood Corridor	Multiple Residential	NCR-Neighbourhood Corridor Zone
431 Mount Pleasant Road	D - Development	Neighborhood Corridor	Multiple Residential	NCR-Neighbourhood Corridor Zone
433 Mount Pleasant Road	D - Development	Neighborhood Corridor	Multiple Residential	NCR-Neighbourhood Corridor Zone
304 Conklin Road	D - Development	Neighborhood Corridor	Multiple Residential	NCR-Neighbourhood Corridor Zone
320 Conklin Road	D - Development	Neighborhood Corridor	Multiple Residential	NCR-Neighbourhood Corridor Zone

The above chart demonstrates how the proposed Zoning By-law would implement the land use designations within the approved Official Plan and the comprehensive technical work undertaken within the Tutela Heights West Block Plan as illustrated on the approved Preferred Conceptual Master Plan. The lands zoned SR – Suburban Residential Zone reflect the ‘estate-like’ single detached residential that is serviced by private septic services and whereas the Tutela Heights West Block Plan does not provide full municipal services to and would rely on the city to extend services. The other ‘estate-like’ single detached residential would be serviced through the extension of municipal services provided through the implementation of the Block Plan.

Attached to this letter is a figure that illustrates for the lands located within the Tutela Heights West Block Plan the recommended zoning which in our opinion is inconformity with the approved Official Plan and approved Tutela Heights West Block Plan.

Other Comments

Was it the intent to provide limited variation of colour change on Schedule ‘A’ within the same land use types (i.e., residential - yellow)?

The effect of this by-law will be to make many properties legal non-conforming status as site specific regulations have not been acknowledged.

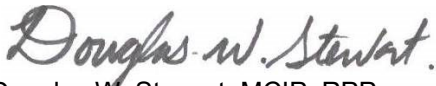
We thank you for the opportunity to provide comments related to the proposed zoning by-law. Upon your review, we would be pleased to meet with you to discuss and would appreciate a response to our comments.

Mr. Joshua Schram, MA, MCIP, RPP
City of Brantford
January 29, 2024

Should you have any questions, do not hesitate to contact our office.

Sincerely,

ARCADIS PROFESSIONAL SERVICES (CANADA) INC.



Douglas W. Stewart, MCIP, RPP
Associate, Manager – Urban and Regional Planning

Email: douglas.stewart@arcadis.com

Direct Line: 519-585-2255 ext. 63212

cc: Tutela Heights West Landowners Group Inc.

Enclosures: OLS Severance Sketch
City of Brantford Official Plan – Schedule 4
Tutela Heights West Block Plan – Preferred Conceptual Master Plan



PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

January 29, 2024

[via email: awaterfield@brantford.ca]

Alan Waterfield, Manager of Long Range Planning
Planning Department
City of Brantford
58 Dalhousie St
Brantford, ON
N3T 2J2

Dear Alan Waterfield:

**RE: City of Brantford New Zoning By-law Project – 140 Oak Park Road (Hershey Lands)
OUR FILE 081471**

On behalf of our client, Hershey Canada Inc. ("Hershey"), we are pleased to submit the following comments regarding the City of Brantford's first draft of the Zoning By-law as it relates to the lands municipally addressed as 140 Oak Park Road (the "subject lands").

The subject lands contain the newly constructed Hershey's distribution centre, which was site plan approved on May 7, 2021 (City File No. SPC-22-2020).

The City of Brantford Official Plan designates the subject lands 'General Employment,' and a small portion as 'Core Natural Areas.' This small portion designated 'Core Natural Areas' does not reflect the approved site plan application which occurred after the adoption of the Official Plan by City Council, in March of 2021.

The entirety of the subject lands is currently zoned General Industrial Zone with Site Specific Exception 12 (M2-12), which permits the existing industrial use.

The proposed zone in the first draft of the new By-law is General Employment (GE) and Core Natural (N). The portion of the subject lands proposed to be zoned Core Natural (N) does not reflect the existing zoning, the approved applications, or the currently operating use.

We hereby request that the subject lands be zoned General Employment (GE) in their entirety in subsequent drafts of the zoning by-law to recognize and permit the existing use and approvals. We would also request that any modifications to the zoning regulations, such as but not limited to, landscaped open space requirements, parking requirements and setbacks, shall not apply and the current in effect zoning regulations



be carried forward for the subject lands to avoid any issues of nonconformity for the existing use and to allow for future potential expansion which was previously contemplated and approved.

In summary, we have concerns with the first draft Zoning By-law as it relates to these lands, and request that changes be made to the proposed schedules, prior to the release of the next draft. We would be happy to discuss this matter further. Please contact the undersigned should you have any questions or concerns.

Yours truly,

MHBC

A handwritten signature in black ink, appearing to read 'DAA', followed by a long horizontal line.

David Aston, MSc., MCIP, RPP
Partner

A handwritten signature in black ink, appearing to read 'Smirtitsch'.

Stephanie Mirtitsch, BES, MCIP, RPP
Associate

cc. *Matthew Crocker and Robert Lawton, Hershey's*
Aaron Atcheson, Thomas Sanderson, Katherine Cavan, Miller Thomson LLP



January 29, 2024

[via email: awaterfield@brantford.ca]

Alan Waterfield, Manager of Long Range Planning
Planning Department
City of Brantford
58 Dalhousie St
Brantford, ON
N3T 2J2

Dear Alan Waterfield:

**RE: City of Brantford New Zoning By-law Project – TCA Lands
OUR FILE 10116**

On behalf of Telephone City Aggregates, we are pleased to submit the following comments regarding the City of Brantford's first draft of the Zoning By-law.

1) Cornell Lands (Northwest Business Park)

The Cornell Flats are approximately 56 hectares in size and are located south of Highway 403 and adjacent to the Grand River. The lands were retained by TCA after the sale of the majority of the Cornell/Reid Pit to the City of Brantford to facilitate the development of the Northwest Industrial Area. Access to the property is established by an agreement between the City of Brantford and TCA.

The City of Brantford Official Plan designates the lands 'Core Natural Areas' with Modified Policy Area 24, which permits Prestige Employment uses within the limits of the developable area, subject to detailed further study and the development of a comprehensive plan.

The lands are currently zoned Business Park Industrial Zone with a Site Specific and Holding Provision (H-M3-1), Open Space Type 1 Zone (OS1) and Open Space Restricted Zone (OS3). The H-M3-1 zone which applies to a portion of the lands permits a range of uses including but not limited to, agricultural uses, pits, quarries and accessory uses, industrial service offices, manufacturing excluding any noxious use, wholesale uses, warehouse uses, research uses, computer, electronic, or data processing establishments, and general offices.

The proposed zone in the first draft of the new By-law is Core Natural-Holding (H4-N), which identifies that additional studies are required to the satisfaction of the City and GRCA to determine the developable area, however, it does not recognize the existing uses permitted in the in effect zoning by-law or in the Official Plan. The

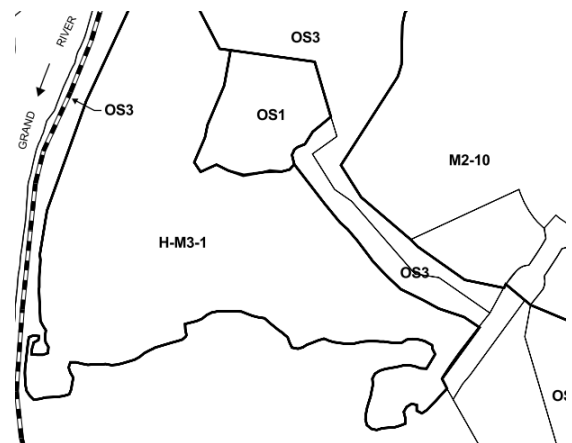


Figure 1 -Existing Zoning of Subject Lands (H-M3-1)

development of this area would contribute to achieving the employment and growth forecasts and targets of the City and related provincial plans.

We hereby request that the subject lands be zoned Prestige Employment to permit the currently permitted uses. Alternatively, a site specific regulation could be included to reflect Modified Policy Area 24 in the Official Plan.

2) Commercial Block at Oak Park Road and Wright Street

The lands located at the southeast corner of the intersection of Oak Park Road and Wright Street, legally known as Block 10 of registered plan of subdivision 2M-1962, are intended to develop for commercial uses as per the approved plan of subdivision.

The City of Brantford Official Plan designates the lands 'General Employment' and is currently zoned Neighbourhood Centre Commercial Zone (C9), which permits shopping centres with a broad range of permitted uses.

The proposed zone in the first draft of the new By-law is General Employment, which primarily permits employment uses, and does not reflect the current in effect zoning or the draft plan of subdivision approval and contribute to the development of the overall area as a complete community.

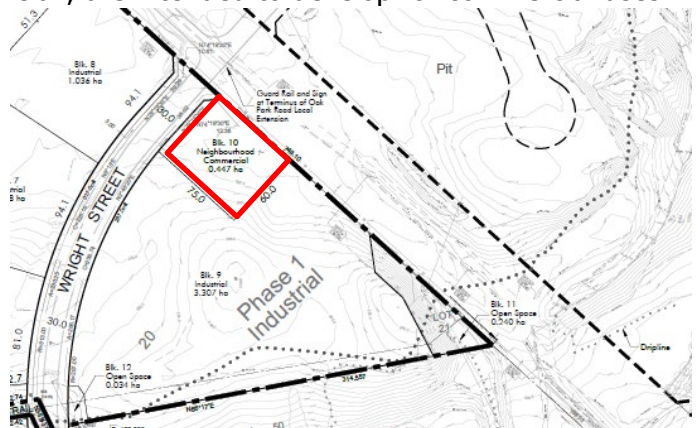


Figure 2 - Block 10 on Registered Plan of Subdivision 2M-1962

We hereby request that the subject lands be zoned Neighbourhood Commercial to reflect the in effect zoning and the planned function of this block.

3) Natural Heritage System Boundary

We have concerns with the proposed mapping of the Core Natural Zone which have been modified from the existing zone throughout the Hardy Road subdivision lands. The proposed mapping boundaries are more restrictive and are not consistent with the current zone boundaries or the approved development of the lands and developable limit, which were established through technical studies completed as part of the registered plan of subdivision. **We request that the zone boundaries reflect the property boundaries as established through the existing plan of subdivision and existing conditions.**



We have enclosed a reference plan 2R-8741 that shows this area in more detail. Part 2, 4, 6 and 7 should remain zoned Natural Heritage, however, the remainder of the lands should be zoned to permit employment uses. There have been ongoing discussions between the City and landowner regarding the ultimate use and ownership of these lands, and Council has approved the redistribution of these lands.

Further, there is a portion of lands abutting the former rail lands that contain an existing driveway access to Hardy Road, proposed to be zoned 'Core Natural Area'. This should be zoned General Employment in accordance with the remainder of the developable area to reflect the existing condition and existing access.

4) General Comments

We have reviewed the General Employment (GE) zoning provisions as it relates to industrial development within the City and have the following general comments:

a) Permit Accessory Uses, Buildings and Structures within the GE and PE Zones:

We note that 'Accessory Uses, Buildings and Structures' have been removed from the permitted uses within the GE and PE zone. Accessory uses and buildings are often required for industrial development and removal of the permitted use may have unintended consequences for future development.

The removal of the permitted use will result in more restrictive zoning permissions requiring variances or zoning amendments for accessory uses required to support employment. It is requested that Accessory Uses, Building and Structures be permitted within both the GE and PE zones.

b) Maintain Parking Requirements:

The draft zoning by-law proposes increases in the parking requirements for some employment uses, such as warehouse uses. The increased requirement for parking will limit the buildable area available for the employment use and is counteractive to the City's overall objectives to encourage sustainable development and multi-modal transportation. The amount of parking required for non-residential development is market-driven and projected based on the end user of the lands. We request that the current parking rates be maintained or reduced.

c) Maintain 10% Minimum Landscape Open Space Requirement:

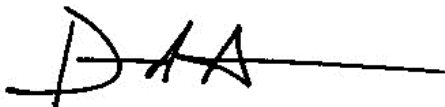
The GE and PE zones propose an increase in the required landscape open space requirement from 10% to 15% of the lot area. The 5% increase in landscaped open space will have a significant impact on the land available for development. In combination with the proposed increases in parking requirements, future building development will become constrained for space for employment uses. We request that the 10% requirement for landscape open space be maintained.

Conclusion

In summary, we have concerns with the draft Zoning By-law and request that changes be made to the proposed text and schedules, prior to the release of the next draft. We would be happy to discuss this matter further. Please contact the undersigned should you have any questions or concerns.

Yours truly,

MHBC

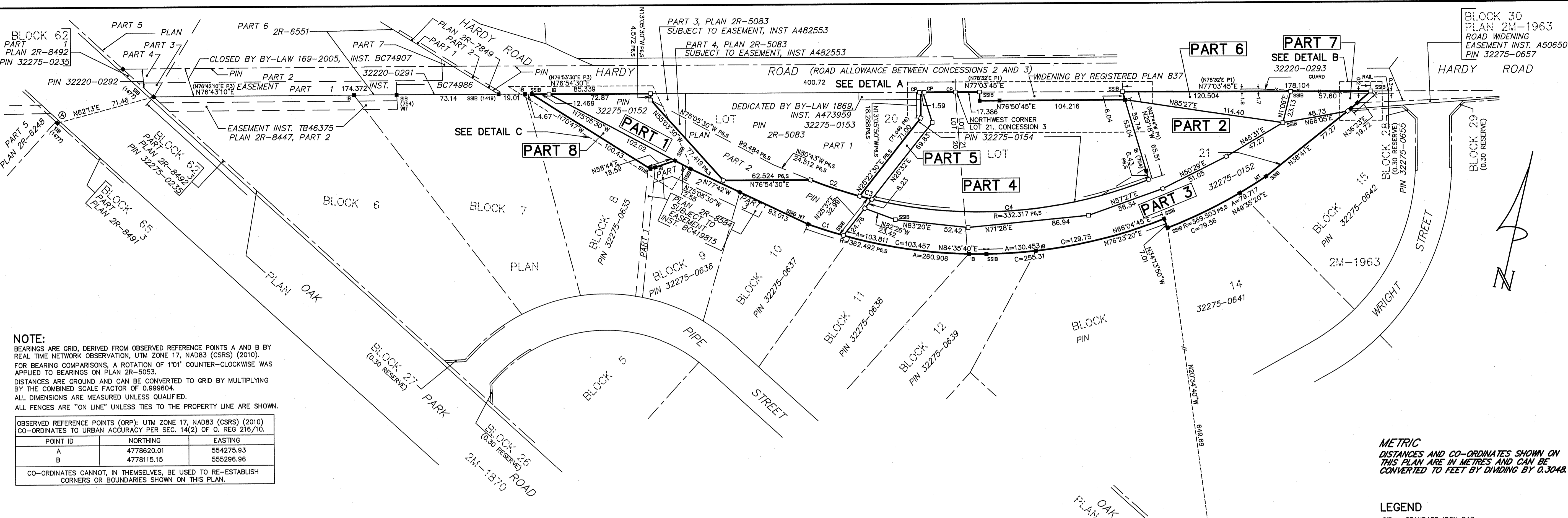


David Aston, MSc., MCIP, RPP
Partner



Stephanie Mirtitsch, BES, MCIP, RPP
Associate

cc. *Greg Sweetnam, TCA*

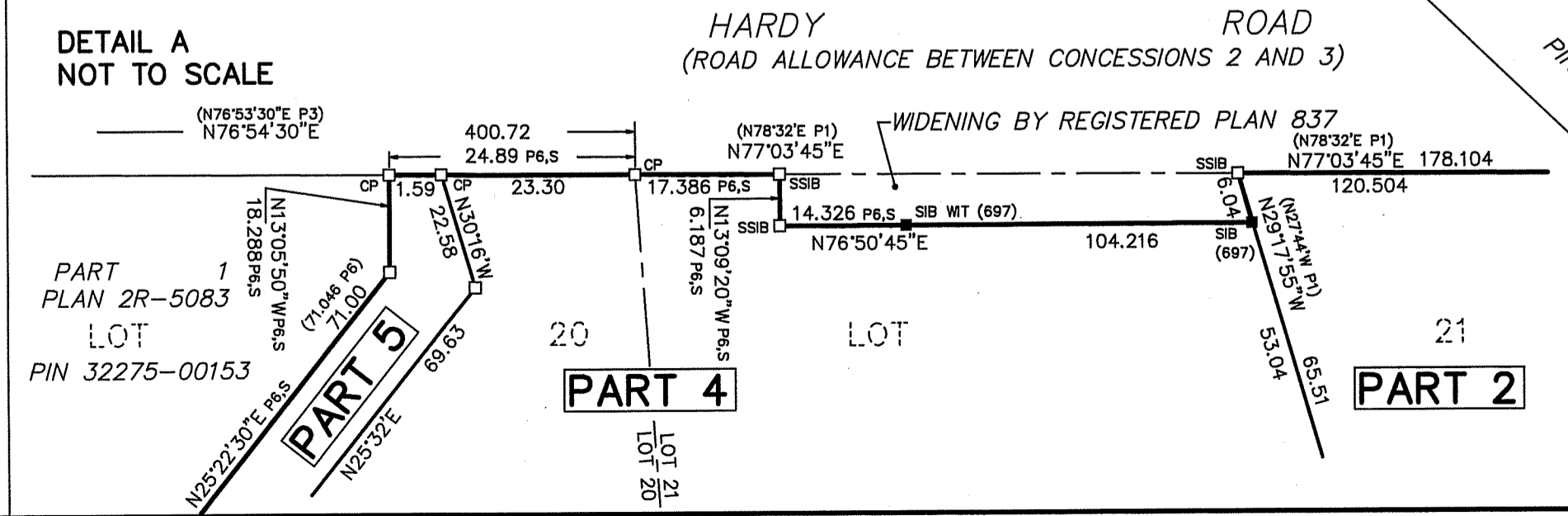
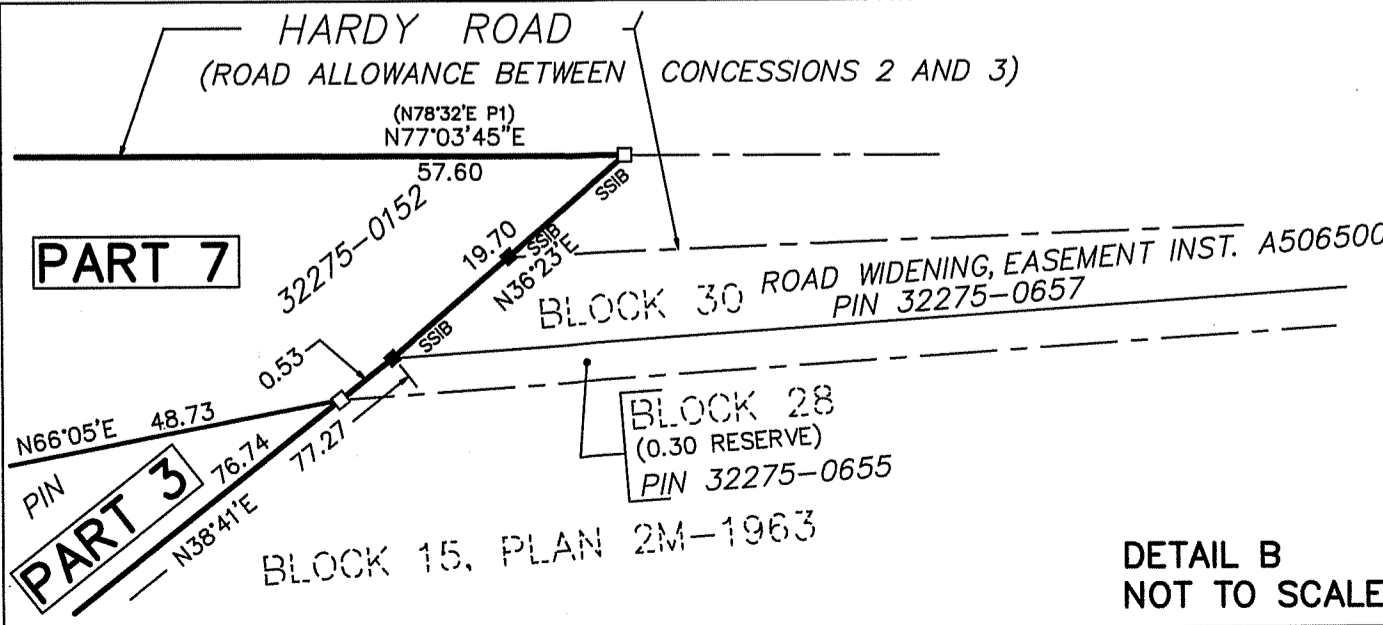
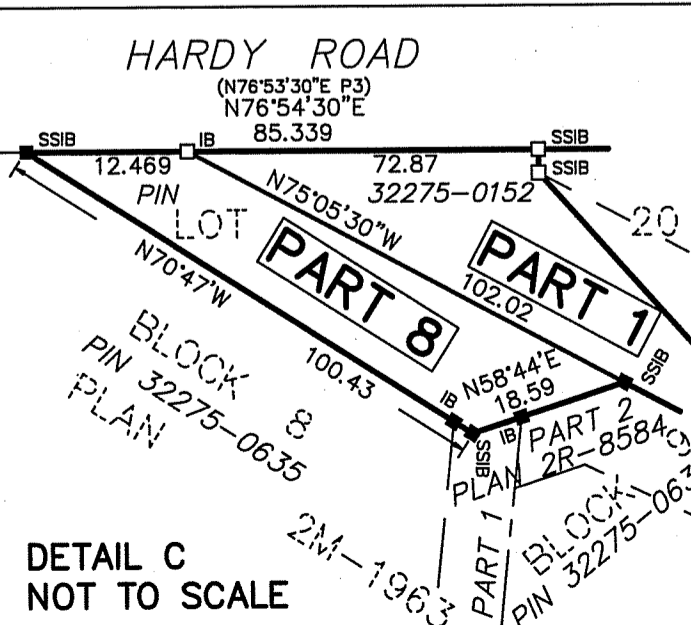


NOTE:
BEARINGS ARE GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010).
FOR BEARING COMPARISONS, A ROTATION OF 1'01" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 2R-5053.
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999604.
ALL DIMENSIONS ARE MEASURED UNLESS QUALIFIED.
ALL FENCES ARE "ON LINE" UNLESS TIES TO THE PROPERTY LINE ARE SHOWN.

OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CSRS) (2010)
CO-ORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O. REG 216/10.

POINT ID	NORTHING	EASTING
A	4778620.01	554275.93
B	4778115.15	555296.96

CO-ORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.



METRIC
DISTANCES AND CO-ORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

- LEGEND**
- SIB - STANDARD IRON BAR
 - SSIB - SHORT STANDARD IRON BAR
 - IB - IRON BAR
 - CC - CUT CROSS
 - CP - CONCRETE PIN
 - - PLANTED, IB UNLESS NOTED
 - - FOUND, (1779) UNLESS OTHERWISE NOTED
 - - ROUND
 - WT - WITNESS
 - S - SET
 - P1 - REGISTERED PLAN 837
 - P2 - PLAN 2R-4150
 - P3 - PLAN 2R-6551
 - P4 - PLAN 2R-5741
 - P5 - PLAN 2R-8447
 - P6 - PLAN 2R-8058
 - D1 - PIN 32275-0151 (INST. TB46375)
 - NT - NOT TANGENT

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE APRIL 20, 2022

DATE May 18, 2022

"E. Vanderburg"

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF BRANT (No. 2).

SCHEDULE				
PART	LOT	CONCESSION	PIN	AREA IN HECTARES
1	PART OF 20	3	PART OF 32275-0152	0.558
2	PART OF 20 AND PART OF 21			0.741
3	PART OF 20			0.797
4	PART OF 21			1.259
5	PART OF 20	3	PART OF 32275-0154	0.069
6	PART OF 21			0.167
7	PART OF 20			0.089
8	PART OF 20	3	PART OF 32275-0152	0.102

PARTS 1, 2, 3, 6, 7 AND 8 COMPRISE ALL OF PIN 32275-0152.
PARTS 4 AND 5 COMPRISE ALL OF PIN 32275-0154.

**PLAN OF SURVEY OF
PART OF LOT 20 AND PART OF LOT 21
CONCESSION 3
(GEOGRAPHIC TOWNSHIP OF BRANTFORD)
CITY OF BRANTFORD
SCALE 1:1500**

MacAULAY, WHITE & MUIR LTD.

CURVE DATA				
PART	RADIUS	ARC	CHORD	CHORD BEARING
C1	362.492	26.64	26.64	N85°05'45"W
C2	332.317	37.02	37.00	N84°38'50"W
C3	332.317	9.06	9.06	N88°37'10"W
C4	332.317	202.02	198.92	N73°11'05"E

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 20TH DAY OF APRIL, 2022.

APRIL 20, 2022

JOHN W. MUIR
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 18245

MacAULAY, WHITE & MUIR LTD.
ONTARIO LAND SURVEYORS - CANADA LANDS SURVEYORS
440 HARDY ROAD, UNIT 2, BRANTFORD, ONTARIO, N3T 5L8
TEL 519-752-0040 FAX 519-752-0087 mwmurvey@bellnet.ca

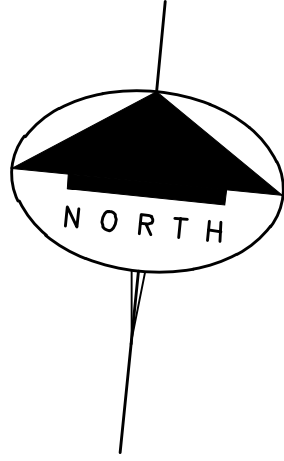
21-334

SITE STATISTICS - ARU

ITEM	PROPOSAL	ZONING BYLAW REQUIREMENTS	COMPLIANCE ✓ MEETS REQUIREMENTS X REZONING REQUIRED
ZONING CATEGORY	RC1	RC1	✓
LOT AREA (sq. m.)	623.5	360 MIN.	✓
LOT WIDTH (m)	19.20	12.00 MIN.	✓
GROUND FLOOR AREA (sq. m.)	62.35	10% LOT AREA MAX.	✓
TOTAL GROSS FLOOR AREA (sq. m.)	62.35	110.0 MAX.	✓
LOT COVERAGE (ALL ACCESSORY BLDGS)	10.0%	10.0% MAX.	✓
FRONT YARD (m)	20.09	ESTBLD.	✓
REAR YARD (m)	0.60	0.60 MIN.	✓
INTERIOR SIDE YARD (m)	0.60 & 11.26	0.60 MIN.	✓
NUMBER OF PARKING SPACES	EXISTING = 1 PROPOSED = 1	2*	✓
PARKING STALL DIMENSIONS (m)	2.75 x 5.60	2.75 x 5.60	✓
PERCENTAGE OF LOT LANDSCAPED	65.0%	50% MIN. FRONT YARD	✓
BUILDING HEIGHT (m)	≤4.50	4.50 MAX.	✓

* CALCULATION IS BASED ON 1 PARKING SPACE PER UNIT

MINTERN ROAD



LEGEND:

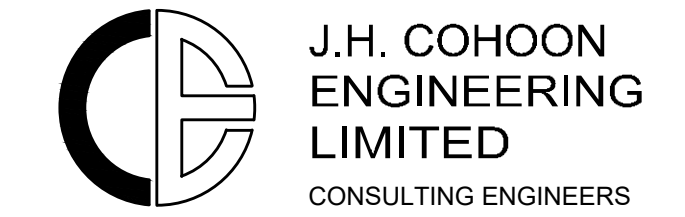
- EXISTING ELEVATIONS
- PROPOSED ELEVATIONS
- PROPOSED SWALE ELEVATIONS
- PROPOSED SWALE
- GENERAL DRAINAGE

NOTES:

- ALL ELEVATIONS SHOWN ARE METRIC.
- BUILDER/OWNER TO VERIFY COMPLIANCE WITH ZONING BYLAWS (i.e. SIDEYARDS, SETBACKS, REARYARDS ETC.)

T.B.M. No. 1 ELEV. = 202.22 (GEO)
TOP NUT OF FIRE HYDRANT LOCATED APPROX. 37m EAST OF EAST PROPERTY LINE ON THE NORTH SIDE OF MINTERN AVENUE, NOT SHOWN.

NO. REVISION DATE (MM/DD/YY) BY



440 HARDY ROAD UNIT #1 BRANTFORD - ONTARIO N3T 5L8
TEL (519) 753-2656 FAX (519) 753-4263 www.cohooneng.com

PROJECT:

PROPOSED
ADDITIONAL RESIDENTIAL UNIT

132 MINTERN AVENUE
CITY OF BRANTFORD

CLIENT:
M. BELL

CONCEPT PLAN

DESIGN: R.W.P.	SCALE: 1:100
DRAWN: S.L.M.	JOB No: 15969
CHECKED: R.W.P.	
SHEET: 1 of 1	DWG. No: 15969-C1
DATE: JAN. 11, 2024	



It is an honour to serve our community...the tradition continues!

January 23, 2024

Joshua Scram, MA, MCIP, RPP
Senior Planner, Long Range Planning
Planning and Development Services
City of Brantford

Re: Draft Comprehensive Zoning Bylaw and St. Joseph's Lifecare (SJLC) Campus at 99 Wayne Gretzky Parkway

On behalf of the Board of Trustees for St. Joseph's Lifecare Centre (SJLC) at 99 Wayne Gretzky Parkway we would like to thank you for sending us the information on the draft Comprehensive Zoning Bylaw for the City of Brantford. We have had the opportunity to review the draft bylaw as it pertains to the St. Joseph Lifecare Campus at 99 Wayne Gretzky Parkway regarding existing operations and planned developments on the property. Overall, we are pleased with the draft zoning bylaw as it should allow for intensive development of the campus property. However, we do have several concerns and are requesting a few changes to the draft Zoning Bylaw.

In the draft Zoning Bylaw, the zoning of the property is to be changed from I.3-4 Major Institutional, which is a site-specific zone to I.2 Major Institutional with no specific regulations pertaining to the Campus property. While the proposed zoning permits many of the activities that currently take place on the property, it does not recognize the unique features of the Campus or our future plans.

One of our plans for the Campus is to develop affordable rental housing for seniors. We have developed concept plans, with financial assistance from CMHC, for a six-story apartment building to be constructed near the corner of Wayne Gretzky Parkway and Grey Street and single story townhouse blocks to the rear of the Stedman Hospice. The townhouse blocks at that location should be more compatible with the low-density housing on Chatham and Paterson Streets that back onto the Campus property. The apartment building will be similar to the apartment building that has recently been built on the John Noble Home property. It is our intention that the residential development will be integrated into the SJLC Campus with the residents being able to take advantage of the many services that are available on-site.

While the proposed affordable housing development is temporarily on-hold due to financing and other issues, we do hope to proceed with the project in the near future. The housing project will be managed under the direction of the Board of Trustees for SJLC and will remain part of the campus and will not be sold and/or severed from the property.

Unfortunately, the proposed Zoning Bylaw, in the I.2 Major Institutional zone does not list apartment or block townhouse dwellings as permitted uses. This will necessitate a costly and time-consuming process zoning amendment process to proceed with the project and could impact its feasibility. It should be noted that on the north side of Grey Street, directly across from the campus, the proposed zoning Bylaw will permit apartment buildings that can be 3-12 stories in height, as of right and without need for a zoning bylaw amendment.

We are requesting that the draft Zoning Bylaw permit apartment and townhouse blocks on the SJLC campus property at 99 Wayne Gretzky Parkway.

Unlike the existing I.3-4 site-specific zoning of the campus property, the draft Zoning Bylaw does not list the hospice as a permitted use. The Stedman Community Hospice use does not neatly fall under any of the definitions provided in the draft Bylaw and its operation is not subject to the Fixing Long Term Care Act as is the long-term operation on the property. The Stedman Community Hospice provides palliative care in its ten-bed facility and an extensive outreach program that serves families in Brantford and the surrounding region. Not including the hospice as a permitted use could cause problems in obtaining building permits for changes to the hospice structure if that is applied for in the future as the use would not be listed as permitted.

We are requesting that the draft Zoning Bylaw include the hospice as a permitted use on the SJLC Campus property.

The I.3-4 zone in the existing Zoning Bylaw permits general offices, although these are restricted to non-profit agencies or those operated by a public agency and the Campus has been the home for several such office uses.. It is noted that offices uses are to be permitted on the north side of Grey Street, across from the campus property without any restriction as to their operation by non-profit or public agencies. Office uses are compatible with the other activities on the Campus, and the revenue generated is important to the operations of the Campus.

We are requesting that the draft Zoning Bylaw include general offices as a permitted use on the SJLC Campus property.

An additional use to be included in the list of uses to be permitted in the Major Institutional Zone i.2 is a community centre. The proposed definition of a community centre is “a **building** or **structure** in which facilities are provided by a service agency, a club, church or non-profit organization for cultural, religious, welfare, athletic, recreational or community service purposes and may include a day care accessory to the main use”. This use will allow the range of services provided on the SJLC campus to expand much beyond what is currently provided. This addition will facilitate the expansion for services offered on Campus to the senior population of the City and region.

SJLC supports the proposed addition of a community centre as a permitted use in the I.2 Major Institutional zone.

Overall, the draft Zoning Bylaw allows for more intensive development on the SJLC property. The draft Bylaw allows for more lot coverage and higher building heights. The proposed 40 metre height limit for the long-term care building allows for approximately 12-13 stories. The existing life care building is 6 stories in height not including HVAC equipment and other structures on the rooftop. The existing bylaw only allows for only 5 stories, so this change is supported. However, the more generous height limit applies only to the long-term care component of the site. For other buildings the height limit is to be 15 metres (49 feet) which would allow for a 4-5 story building. The proposed apartment building on the site is to be 6 stories in height. It should be noted that on the north side of Grey Street, opposite the SJLC campus, building heights are restricted to 12 stories.

SJLC requests that the height restriction for other buildings on the SJLC campus should be increased to allow for at least a six-story building, particularly on the west side of the campus.

Overall, the parking requirements in the draft bylaw are less onerous than the requirements in the existing zoning bylaw. This is particularly the case for apartment projects that qualify as affordable. The parking requirements in the draft bylaw are the result of specific studies carried out for the Zoning Bylaw project. The proposed affordable housing project on the campus was reliant on reduced parking requirements and this proposed change is appreciated.

SJLC supports for the proposed parking requirements as they impact its property.

To deal with the requests for changes to the draft Comprehensive Zoning Bylaw for the SJLC Campus at 99 Wayne Gretzky Parkway, as outlined in this letter, a site-specific zone for the property may be in order. We are agreeable to such an approach and we will appreciate the opportunity to review the site-specific regulations should you be agreeable to such an approach to deal with our specific concerns.

We appreciate the opportunity to comment on the proposed Zoning Bylaw and particularly as it will impact the SJLC Campus at 99 Wayne Gretzky Parkway. We will appreciate your consideration of our requests for changes to the draft Zoning Bylaw now under consideration. Should you have any questions regarding any of the comments and requests outlined in this letter, please feel free to contact us. We will be pleased to discuss these comments further with you.

Yours truly,



Matt Reniers, RPP
Chair, Board of Trustees
SJLC Brantford



Sandra Ramelli
Interim President
SJLC Brantford

C.C: Alan Waterfield, MCIP, RPP
Manager of Long Range Planning

182 Grand River Avenue - Proposed Re-Development
Part of Lots 7 and 9, Registered Plan 331 Property I.D. No. 32277 – 0222(LT)
City of Brantford, County of Brant, Ontario N3T 4X8

Zoning Review:

1. The property is situated in the current municipal zone F-C3-2: Mixed Commercial Residential Zone, as regulated by Section 9.3 of the City of Brantford Zoning By-Law 160-90.

As it is the Proponent's intent and interest to develop the land parcel with residential-use buildings, is noted that the current Zoning permitted uses include:

Sec. 9.3.1.3	Apartment Dwellings
Sec. 9.3.1.9	Duplex Dwellings
Sec. 9.3.1.10	Dwelling Units
Sec. 9.3.1.12	Fourplex Dwellings
Sec. 9.3.1.31	Semi-Detached Dwellings
Sec. 9.3.1.32	Single-Detached Dwellings

The proposed New Zoning By-Law designates the subject property as Sec. 9.0 Commercial Zone, with a Sec. 9.2 Permitted Use of **"Neighbourhood Commercial" (NC)**, and only Apartment Dwelling with Ground Floor Non-Residential use being a permissible development (Table 38).

Upon adoption of the New Zoning By-Law, should the Proponent wish to proceed with the proposed redevelopment, it seems that a submission for a Zoning Amendment would be required - a very costly and duplicative exercise.

It is the Proponent's submission that the New Zoning By-Law be revised to permit the desired dwelling types noted for inclusion for the subject property redevelopment.

2. Current Parking Space provisions mandated by Sec. 6.18.7.1 : Table 6.1, a Fourplex Dwelling development requires 1.50 Parking Spaces / Unit = 6 Parking Spaces. With integral garages, 2 additional parking spaces would require accommodation (proposed on the west side of the proposed Fourplex).

In addition, Sec. 6.18.7.7(a) mandates the provision of 4% of the required parking spaces to be Mobility Accessible Parking Space, i.e. requiring 1 Space (proposed on the west side of the proposed Fourplex).

With a 0.91m wide concrete sidewalk and required parking spaces, results in a 10.66m wide x 5.60m long (59.70m²) area at the west side of the proposed Fourplex - see Site Plan appended.

As illustrated on the attached Site Plan, the current Zoning Parking Space provisions is intrusive and disruptive to the planned Phase 2 development alternatively, the Proponent is required to submit an Application for Minor Variation seeking relief from the existing parking demands to accommodate the proposed redevelopment.

The proposed New Zoning By-Law provisions per Sec. 5 – Parking Regulations for Off-Street Parking Requirements for Residential Uses (Table 8) require the following (for the proposed development):

- Fourplex Dwelling	: 1.0 space plus 0.25 spaces per Unit	= 5 parking spaces required
- Semi-Detached Dwelling	: 1.0 space per Unit	= 2 parking spaces required

It is the Proponent's submission that the New Zoning By-Law Off-Street Requirement be viewed as supportive of, and be implemented to the desired property redevelopment as described foregoing.

Purpose of Information Presentation:

It is the Owner's intent to develop the captioned land parcel.

With the planned and imminent implementation of a new Brantford Zoning By-Law, the intent of the herein information is to present "comparisons" of existing and proposed by-law requirements.

Further, it is the Owner's expectation to receive guidance from the Building Authority Having Jurisdiction that may influence and/or affect the proposed development.

Property Description:

The existing land parcel is an irregularly shaped property 1,371.41m² / 14,761ft² in area. Although assigned a municipal address along Grand River Avenue, the subject lands are accessed by way of the south end of Chestnut Avenue.

Topographically, the land parcel is relatively flat but is comprised of a sloping portion along the southerly flank of the property, dropping approximately 1.25m / 4.00ft towards a walking trail / open space along the Grand River.

At present, a 1-storey wood-frame Building with an attached wood Deck and Garage is located at the westerly area of the property with vehicular Driveway access onto Chester Avenue.

As the property is situated along the Grand River, it is located within the Brantford Special Policy Area as it relates to flooding, and is subject to Section 6.28.1.1 of the Zoning By-Law, as well as being subject to regulations of the Grand River Conservation Authority.

(see: Land Surveyor's Sketch of subject lands appended)

(Zone Mapping of subject lands appended)

Proposed Land Development:

Having evaluated various development options, the Owner proposes a two-phase property expansion:

Phase 1: Construction of a 2-storey Fourplex Dwelling with integral vehicle garages, to be situated at the north-east area of the land parcel. Access to the dwelling units is proposed to be from Chester Avenue by way of a paved driveway located between the main building façade and the north-side property lot line.

South-side exterior attached decks would provide access to open amenity space and facing onto the existing dyke / trail system along Grand River.

Phase 2: (a) demolishing and removing the existing wood-frame structures;
(b) construction of a 2-storey Semi-Detached Dwelling with integral garages, to be situated at the north-west area of the lot. Access to the dwelling units is proposed to be from Chester Ave. by means of a paved driveway between the main building façade and the north-side property.



LEGEND

- O DENOTES SET MONUMENT
- FOUND MONUMENT
- I.B. IRON BAR
- I.B.Ø ROUND IRON BAR
- S.I.B. STANDARD IRON BAR
- 754 H.W. WEST, O.L.S.
- 1416 S.M. RUUSKA, O.L.S.
- WIT. WITNESS



WEST & RUUSKA LTD.
Land Surveyors

15 NELSON STREET , BRANTFORD , ONTARIO , N3T 2M6		
Telephone (519) 752-8841		
DRAWN BY : H.W.B.	CITY OF BRANTFORD	86-1022



Z O N I N G C O M P L I A N C E R E V I E W

Lands Location:

182 Grand River Avenue [iiij]
Parts of Lot 7 & 9 Reg. Plan 331
BRANTFORD, Ontario

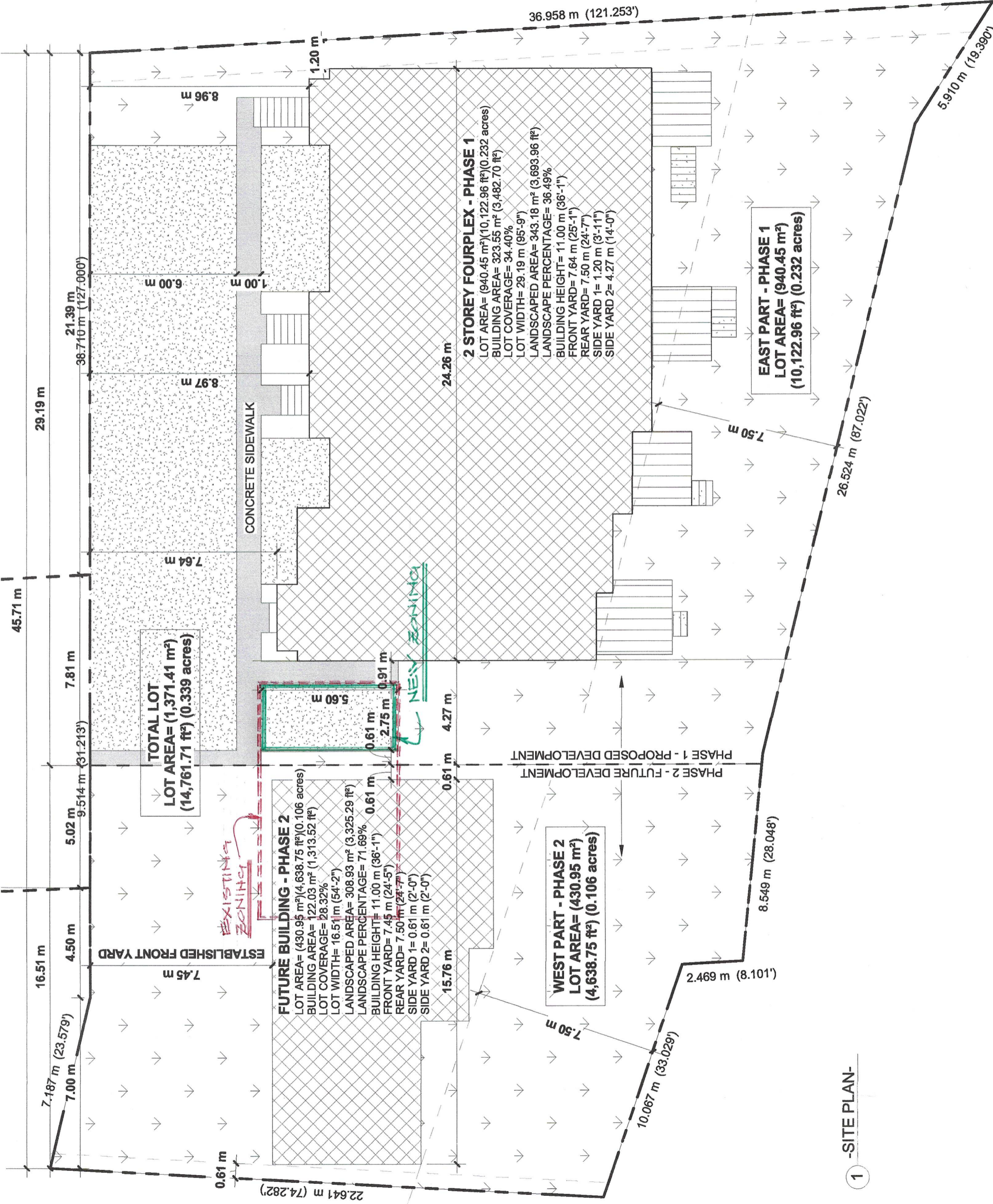
Zoning Criteria:

City of Brantford Zoning By-Law 160-90
Section 9.3 Mixed Commercial Residential Zone (C3-2)

SECTION	DESCRIPTION	REQUIRED / ALLOWED	EXISTING	PROPOSED	STATUS
9.3.1.	Permitted Uses:				
9.3.1.9		Duplex Dwelling	Single Detached Dwelling	Duplex Dwelling	Compliant [ii]
9.3.1.12		4-Plex Dwellings	Single Detached Dwelling	4-Plex Dwelling	Compliant [ii]
9.3.1.37		Accessory Uses/Buildings/Structures	Detached Garage		
9.3.2.1.1.3	min. Lot Area	185,00m ² / unit x 4 = 740,00m ²	1371,41m ²	1371,41m ²	Compliant
9.3.2.1.2.3	min. Lot Width	6,00m / unit x 4 = 24,00m	45,55m	45,55m	Compliant
9.3.2.1.3.3	max. Lot Coverage	40,00%	8,68%	23,59%	Compliant
9.3.2.1.4	max. Building Height	3,00 storeys	1,00 storey	2,00 storeys	Compliant
9.3.2.1.5	min. Front Yard	established	7,45m	10,36m	Compliant
9.3.2.1.6	min. Rear Yard	7,50m	4,533m	7,64m	Compliant
9.3.2.1.7.1	min. Side Yard - interior	0,60m	27,78 (east)	7,50m	Compliant
9.3.2.1.8	min. Open Landscaped Space		8,88m (west)	1,20m (east)	Compliant
9.3.2.1.9.2	min. Gross Floor Area	25,00%	87,45%	0,60m (west)	Compliant
9.3.2.1.10.1	Parking Provisions as per Sec. 6.1	55,00m ² / unit x 4 = 220,00m ²		see Site Plan	Compliant
9.3.2.1.10.2	Parking Prohibition	not in front yard		323,55m ²	Compliant
6.18.1.1.6	Parking Space Dimensions	2,75m wide x 5,60m long		not in front yard	Compliant
6.18.3.1	Parking Space Location	on same Lot		2,75m wide x 5,60m long	Compliant
6.18.3.6	Access to Street	by means of Driveway		on same Lot	Compliant
6.18.3.7	Vehicle Parking Restrictions	only in Parking Space	Driveway	Driveway	Compliant
6.18.3.8	min. Driveway Width	2,40 m	Parking Space	Parking Space	Compliant
6.18.4	Access to Parking for more than 3 Parking Spaces:			6,00 m	Compliant
6.18.4.1.	Access to Street	by means of Driveway			Compliant
6.18.4.2.1	min. Traffic Aisle Width	6,00m wide – 2-way traffic	by Driveway	by Driveway	Compliant
6.18.4.3	Vehicle Parking Restrictions	only in Parking Space		6,00m – 2way traffic	Compliant
6.18.4.4	min. Aisle Overhead Clearance	3,35 m	Parking Space	Parking Space	Compliant
6.18.6	Parking Surfacing	hot-mix asphalt		3,35 m	Compliant
6.18.7.1	min. Required Parking Spaces	as per Table 6.1:		hot-mix asphalt	Compliant
	Duplex Dwelling	1,00 Parking Spaces / Unit x 2 = 2 spaces			
	4-Plex Dwelling	1,50 Parking Spaces / Unit x 4 = 6 spaces			
6.18.7.7(a)	min. Barrier-Free Spaces	4% of Required Parking Spaces = 1 space *			Compliant
6.18.1.1.4	* Mobility Accessible Parking Space (Type 'B'): 2,75m wide x 5,60m long c/w 1,50m access aisle			2 Parking Spaces	non-Compliant [i]
				4 Parking Spaces	non-Compliant [i]
				0 Parking Space	non-Compliant [i]
				not provided	non-Compliant [i]

[i] **Non-Conforming Use**, as defined in Sec. 2.14.3. City of Brantford Zoning BY-Law 160-90. Deficiency noted shall be addressed by way of Minor Variance Approval (as per Sec. 45.(2)(a)(i) of the Planning Act R.S.O. 1990, Chapter P. 15)

[ii] Owner / Contractor to submit **Schedule "A"** – Application for Development, Interference With Wetlands and Alterations to Shorelines and Watercourses Permit (pursuant to O. Reg. 150/06) to the Grand River Conservation Authority.
A copy of an approved/issued GRCA Development Permit shall be deposited with the City of Brantford Building Department in support of issuance of Building Permit.



1 -SITE PLAN-

City of Brantford Draft Zoning By-law (November 2023) PDF28

September 15, 2022

City of Brantford
Planning Department
58 Dalhousie St.
Brantford ON N3T 2J2

Attn: Mr. Joe Muto, MCIP, RPP - Manager of Development Planning
Ms. Nicole Wilmot, MCIP, RPP - Director of Planning

Re: 3 Tollgate Rd., Brantford ON N3R 4Z5 – Zoning By-Law Review

Mr. Muto and Ms. Wilmot,

I am writing you concerning a property owned by myself and a small group of partners located at 3 Tollgate Rd, in Brantford. The property is a 2-storey purpose-built apartment with 24 units and parking for 31 vehicles. Our current zoning allows for exactly this number of apartments. The building has vacant space in the basement that we hope to repurpose to accommodate four (4) one (1) bedroom apartments. The existing basement area of this building presently has the required height, size, and access to exit stairwells to design the units to meet the requirements of the Ontario Building Code. We see this as an excellent opportunity to provide densification on this existing site and provide the community with four (4) much needed apartments in a walkable commercial corridor.

I have included a floor plan of the existing basement layout as well as our proposed apartment layout for your review. Also attached you will find photos of two apartments that we renovated this past February. Both apartments were vacant when we took possession of the building and were rented within days of the completed renovations. Clearly the need for purpose built rental apartments in Brantford is at an all time high.

We formally request that our zoning at 3 Tollgate Rd. is updated as part of the City's Zoning By-Law Review to allow for 28 dwellings. This request would serve local residents and tenants, promote intensification policies and develop necessary, critical residential housing needs in our community.

Should the planning department agree to our request, we will prepare our application and submit for a building permit immediately. We are firm in our commitment to construct the apartments in a timely manner and will start work as soon as our approvals are in place.

I look forward to your response,

Sincerely,

Michael Murrell-Wright
mikemurrellwright@gmail.com

John Sless and John Utley – email.

Good evening, Councillor Sless and Councillor Utley,

I've had the pleasure of sitting in on a few planning meetings with yourselves during the SPA process for GIZEH Ph. 3 at 40 Fen Ridge CT. I work for Peter Vicano as a project manager and worked with GIZEH on their first two buildings. I am reaching out in a personal capacity regarding a property located at 3 Tollgate Rd that I own with a small group of partners.

The property is a 2-storey purpose-built apartment with 24 units and parking for 31 vehicles. Our current zoning allows for exactly this number of apartments. The building has vacant space in the basement that we hope to repurpose to accommodate four (4) one (1) bedroom apartments. The existing basement area of this building presently has the required height, size, and access to exit stairwells to design the units to meet the requirements of the Ontario Building Code. We see this as an excellent opportunity to provide densification on this existing site and provide the community with four (4) much needed apartments in a walkable commercial corridor.

I was hoping we could have a call to discuss this as I am looking for support to assist with a formal request to planning that would allow for 28 apartments on this site.

Please let me know if this is something you can help with.

Thank you,



February 16, 2024

[via email: awaterfield@brantford.ca]

Alan Waterfield, Manager of Long Range Planning
Planning Department
City of Brantford
58 Dalhousie St
Brantford, ON
N3T 2J2

Dear Alan Waterfield:

**RE: City of Brantford New Zoning By-law Project – 473 & 474 Oak Park Road
OUR FILE 21565**

On behalf of Pannatoni, we are pleased to submit the following comments regarding the City of Brantford's first draft of the Zoning By-law as it relates to the lands municipally addressed as 473 and 474 Oak Park Road (the "subject lands").

The subject lands have an area of approximately 173 hectares and were draft approved under two plans of subdivision in 2007 for employment uses. The subject lands are vacant and are currently being graded and prepared for industrial uses, under a site alteration permit process.

The City of Brantford Official Plan designates the majority of the subject lands 'Prestige Employment', and a small portion as 'Core Natural Areas'. The subject lands are currently zoned General Industrial Zone with Site Specific Exception 10 (M2-10), and 'Business Park Industrial Zone with Site Specific Exception 2 (M3-2)' which permit a range of existing industrial uses.

The proposed zone in the first draft of the new By-law is Prestige Employment (PE) and Core Natural (N). The portion of the subject lands proposed to be zoned Core Natural (N) should reflect the existing zoning and the technical studies completed as part of the draft plan of subdivision applications.

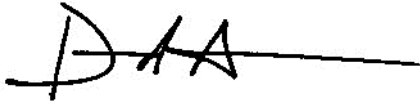
We would request that any proposed modifications to the zoning regulations, such as but not limited to, permitted uses, landscaped open space requirements, parking requirements and setbacks, shall remain as they are currently in the existing zoning on the subject lands.

In summary, we have some concerns with the first draft Zoning By-law as it relates to these lands, and request that changes be made prior to the release of the next draft.

We would be happy to discuss this matter further. Please contact the undersigned should you have any questions or concerns.

Yours truly,

MHBC

A handwritten signature in black ink, appearing to read 'DAA', followed by a long horizontal line.

David Aston, MSc., MCIP, RPP
Partner

A handwritten signature in black ink, appearing to read 'Smirtitsch'.

Stephanie Mirtitsch, BES, MCIP, RPP
Associate

cc. *Chris Serio, Pannatoni*



2023-03-01

Victoria Coates
Senior Planner

City of Brantford
58 Dalhousie Street
PO Box 818
Brantford, Ontario
N3T 2J2

Via email: vcoates@brantford.ca

Re: City of Brantford – New Zoning By-law project

Dear Ms Coates,

CN Rail is pleased to have the opportunity to participate in the City of Brantford – New Zoning By-law project.

WSP has been retained and is acting on behalf of CN Rail and are pleased to have this opportunity to provide comments on the City of Brantford – New Zoning By-law project.

It is our understanding that the first round of public engagement was held in June 2022 to present the background discussion papers and the Summary Report. We request that the comments herein be considered.

We recognize and understand there is growing Provincial emphasis on promoting the movement of people and goods by rail and incorporating greater integration of multimodal transportation and goods movement into land use and transportation system planning while ensuring that health and safety are maintained in new development. We also recognize Provincial policy directing municipalities to facilitate the development of considerably more housing units within the next 10 years. It is anticipated that situations of competing priorities will result in land use compatibility issues between railway facilities and the potential development of sensitive land uses in proximity to them, such as residential uses. It is our opinion that the City of Brantford will need to consider regulations within the New Zoning

By-law, through The New Zoning By-law project, as they related to existing and/or future CN Rail facilities, operations, infrastructure and compatibility of sensitive land uses in their vicinity.

Policy Framework

The Provincial Policy Statement, 2020 (PPS) requires that new development on lands in proximity to the rail facility be compatible with and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor.

The PPS and the Ministry of Environment, Conservation and Parks' (MECP) D-6 Compatibility between Industrial Facilities Guidelines (D-6 Guidelines) provide that planning for land uses in the vicinity of *rail facilities* be undertaken in such a way that the economic function and long-term operation of rail systems are protected. Provincial policy sets out that sensitive land uses be appropriately designed, buffered and/or separated from rail facilities.

Additional Provincial guidance regarding land use compatibility between industrial and sensitive land uses is provided in the D-6 Guidelines. Railyards are a major facility per the PPS and would be classified by the D-6 Guidelines as Class III Industrial Facilities because of their scale, adverse effects from the facility, and continuous operation. Per Section 1.2.6 of the PPS, major facilities and sensitive land uses should be planned and developed to **avoid** (emphasis added) and where avoidance is not possible, to minimize and mitigate potential adverse effects from odour, noise and other contaminants. Sensitive uses should only be located in proximity to the major facility when the need for the use is established and when there are no reasonable alternative locations for the proposed use. Moreover, the D-6 Guidelines recommend that **no incompatible development** (emphasis added) should occur within 300 metres of a Class III facility. This 300-metre separation distance for rail yards is also reflected in the 2013 Guidelines for New Development in Proximity to Railway Operation, prepared for The Federation of Canadian Municipalities and The Railway Association of Canada (FCM-RAC). Further to the Provincial policy test above, a feasibility analysis is required for any proposed sensitive land use within 1 kilometre of a Class III facility. In 2016, the Province of Ontario, through the Ministry of Transportation, issued Freight-Supportive Guidelines that also speak to the need for appropriate land uses around freight facilities.

It is our opinion, supported by the PPS and the D-6 Guidelines, that planning for land uses in the vicinity of rail facilities be undertaken in such a way that the economic function and long-term operation of rail systems are protected.

[NTD: repetitive to the above paragraph] Sensitive uses should only be located in proximity to the major facility when the need for the use is established through a comprehensive study, and when there are no reasonable alternative locations for the proposed use. Moreover, the D-6 Guidelines recommend that **no incompatible development** (emphasis added) should occur within 300 metres of a Class III facility. Further to the provincial policy

test above, a feasibility analysis is required for any proposed sensitive land use within 1 kilometre of a Class III facility. [NTD: again repetitive to the above paragraph]

We note that the **New Official Plan – Envisioning our City 2051, section 6.8.b** contains a development policy that references the D-6 Guidelines regarding noise, vibration and odour from emissions. Consideration should be given to updating the New Official Plan to include a more fulsome policy direction which references the FCM-RAC and D-6 Guidelines.

About CN Rail, Railway Noise and Other Adverse Effects

CN Rail is a federally regulated railway company and is governed by various federal legislation, including the *Canada Transportation Act* (CTA) and the *Railway Safety Act* (RSA), among others. The CTA requires federally regulated railway companies to only make such noise and vibration as is reasonable. The test of reasonableness under the CTA takes into consideration the railway company's operational requirements and its level of service obligation under the Act, as well as the area where the construction or operation takes place.

The Canadian Transportation Agency (the “Agency”) is the federal body that assesses the reasonableness of noise associated with the construction or operation of a federal railway company. In its decisions regarding noise complaints, the Agency has concluded that **municipalities have a responsibility to assess compatibility issues before approving housing developments in proximity to railway rights-of-way** (emphasis added). The Agency also commented that where a municipality approves the development, it is responsible for ensuring that the necessary mitigation measures are implemented. One example of such a decision is Decision No. 69-R-2014, dated February 27, 2014.

It is important to understand that there is no specific decibel limit for CN operations contained in federal guidelines related to the construction or operation of rail facilities. Those federal guidelines clearly state that, while the Agency may take provincial and municipal noise and vibration guidelines into account in its deliberations, the Agency is not bound by those guidelines. Note that certain noises from a freight rail yard are stationary noise sources per the MECP Noise Guideline (NPC-300). In addition, the NPC-300 Class 4 area classification does not benefit federally regulated land uses as they are not subject to provincial regulation (see above) and as such should not be considered the default approach for noise mitigation.

Rail Proximity Guidelines are available at the following: <https://www.proximityissues.ca/>

Guidelines for the Resolution of Complaints Over Railway Noise are available at the following: <https://otc-cta.gc.ca/eng/publication/guidelines-resolution-complaints-over-railway-noise-and-vibration/>

The New Zoning By-law Project and the final Zoning By-law should provide regulations that will avoid sensitive land uses in proximity to major facilities, such as freight rail yards. Moreover, including such provisions ensures the goals and objectives of the Official Plan, Growth Plan and the policies of the PPS are met to create liveable communities while ensuring the continued viability of goods movement by rail.

Preliminary Comments and Concerns

In the City of Brantford, CN operates a rail yard and corridor that are an important component of Canada's overall freight rail network. As such, the City's New Zoning By-law will need to identify lands in proximity to rail facilities in general, and freight yard in particular, and define land uses that are compatible with the rail facilities (e.g. employment) rather than sensitive land uses (e.g. residential).

We reviewed the New Zoning By-law project discussion papers and note the following high-level comments for your consideration.

Zoning By-law Structure (Discussion Paper 1):

The discussion paper associated with the Zoning By-law Structure recommends that the zoning by-law base its land uses on the Official Plan Categories, with the possibility of using overlays and sub-categories to provide clarity. We recommend an overlay that identifies 300 m sensitive land use restrictions around the Brantford Rail Yard facility. An overlay will help reduce the uncertainty of planning and developing for sensitive land uses and avoid land use conflicts in proximity to rail facilities while identifying areas of potential safety and trespass risks associated with proximity to rail facilities on CN lands. The overlay would be shown on all associated zoning by-law schedules.

Subject to further study to meet the tests of land use compatibility, the following uses should be prohibited: residential dwellings, daycares, schools, health facilities, playgrounds, sporting venues, public parks and trails, recreational areas, places of worship, community centre, hotels, retirement residences and long-term care homes, group residences, crisis centre, and any uses that are sensitive to noise, emissions and vibrations.

General Provisions (Discussion Paper 2):

We agree that railway setback and buffer provisions be defined and zoned through a site-specific amendment to the Zoning By-law.

Definitions (Discussion Paper 3):

We recommend the following definitions for Rail Facilities be added to the definition section or part of a site-specific amendment to the Zoning By-law.

Rail facilities: means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.

Mixed Use, Residential and Institutional Zones (Discussion Papers 5, 6 and 8):

Mixed Use (including the Intensification Corridors, Downtown Growth Centre specifically the Historic Mainstreets and Upper Downtown Precincts, the Intensification Corridor designation), the Residential and Institutional land use zones contain potentially sensitive land uses including outdoor amenity space that is within the 300 m to rail right-of-way or 1 km proximity to rail facilities. We recommend that:


- a) Development in proximity to rail facilities shall be developed per the D-6 Guidelines and in consultation with CN rail;
- b) The Brantford Urban Design Manual be updated to include provisions that specifically address development in proximity to rail facilities including, but not limited to, building layout, floor plan to include single loaded corridor design, and design, berm design, podium design and requirements for built form, requirements for step backs, angular planes and massing, balconies (recessed versus protruding), landscape design including appropriate types and species of plants suitable for noise attenuation and tolerant to rail facility pollutants and types of suitable building materials; and
- c) Concerning setbacks, as a general guideline, buildings shall be setback 30 metres with an appropriate berm abutting the rail right-of-way. Setbacks under 30 metres would require a site-specific zoning amendment.

Conclusion

We would like to thank you again for the opportunity to participate in the City of Brantford – New Zoning By-law project. We look forward to continuing to work with the City of Brantford throughout this process to ensure that this important industry is protected in the land use framework in Ontario. Please forward all future documents to proximity@cn.ca and the undersigned.

Thank your time and we look forward to receiving further information on this initiative.

Yours very truly.



Chad B. John-Baptiste, MCIP, RPP

Director, Planning - Ontario

WSP ref. Chad B. John-Baptiste:
copy: proximity@cn.ca

City of Brantford Draft Zoning By-law (November 2023) PDF31

From: [Michael Bradley](#)
To: [Joshua Schram](#)
Subject: FW: Feedback on Proposed Zoning By-law Amendments
Date: Tuesday, March 5, 2024 2:42:55 PM
Attachments: [image002.png](#)

Hi Joshua:

As discussed, please see Mike's feedback below regarding building height consistency. If you want to connect directly with Mike, please do so or pass along some feedback to me to relay to him. I am fine either way.

Thanks, Michael.

From:
Sent: Wednesday, February 28, 2024 3:36 PM
To: Michael Bradley
Cc: Fred DeCator
Subject: Feedback on Proposed Zoning By-law Amendments

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Dear Michael,

As discussed, I have reviewed the proposed zoning by-law, specifically focusing on the Neighborhood Commercial Zone, the Intensification Corridor Zone, the Residential Medium Density, Residential High Density, and Major Commercial zoning categories. I appreciate the opportunity to provide my comments for your consideration.

One general observation across these categories concerns the consistency of building height restrictions, which vary between being measured in stories for the Intensification Corridor and Major Commercial categories, and in meters for the Neighborhood Commercial and residential density categories. This inconsistency might merit re-evaluation to ensure uniformity in measurement units across all zones.

In the Neighborhood Commercial Zone, the maximum building height for mixed-use buildings is capped at 14 meters, approximately equivalent to four stories. This limitation appears restrictive, particularly for redevelopment projects aiming to introduce residential units above ground-floor commercial spaces. Considering the economic viability of such redevelopments, an upward revision of this height limit might be necessary to facilitate the desired increase in residential density.

Comparatively, the Residential Medium Density, Major Commercial, Intensification Corridor, and

High-Density categories permit significantly greater building heights. This discrepancy raises concerns about consistency and the overarching goal of density enhancement across different zones. For instance, the high-density category allows for building heights of up to 38 meters (around 11 stories... I think current allows for 12 stories?), whereas the Major Commercial category is limited to 18 stories, and the Intensification Corridor to 12 stories. This seems to inversely limit density in zones supposedly designated for higher density compared to their counterparts.

Additionally, the Intensification Corridor Zone specifies a minimum ground floor height of 4.5 meters, diverging from the 4-meter minimum applied in other categories. Aligning these minimums across all relevant zones could streamline requirements and simplify compliance. Furthermore, the rationale behind the 1.5-meter step-back requirement after the third story in the Intensification Corridor Zone is unclear and might benefit from further clarification. Same goes for 3 metre step-back in the high density category. These step-backs are very expensive propositions and make for structural challenges and greater expense. I wonder how many buildings locations are really suited to this design parameter. I realize that this may be preferred architecturally but Brantford developers cannot afford to include these requirements given that we operate in a different market space than GTA developers.

I believe these observations merit careful consideration to ensure the new zoning by-law effectively meets its objectives, particularly in facilitating sustainable development and density goals. I am available to discuss these comments further or provide additional insights as needed.

Thank you for considering my feedback.

Best regards,

Mike

Mike Leschuk C.A., C.P.A.

Leschuk Developments

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Brantford, Ontario

N3S 7V9

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F: 519-757-0042

W: leschukdevelopments.ca





Mr. Joshua Schram, MA, MCIP, RPP
Senior Planner, Long Range Planning
City of Brantford
Planning and Development Services
City Hall, 100 Wellington Square
Brantford, ON N3T 2M2

Arcadis Professional Services (Canada) Inc.
410 Albert Street
Suite 101
Waterloo, Ontario N2L 3V3
Canada
Phone: 519 585 2255
www.arcadis.com

Date: March 6, 2024

Our Ref: 125609

Subject: Samarlin Homes

Supplementary Comments - Proposed City of Brantford New Zoning By-Law (November, 2023)
155 ½ and 1591 Terrace Hill Street, Brantford

Dear Mr. Schram,

Please accept these supplemental comments prepared on behalf of Samarlin Homes as they relate to the Proposed City of Brantford new Zoning By-Law (November 2023). Earlier, on behalf of our client, we provided their initial comments to the proposed City Zoning By-Law and specifically as it relates to their lands located at 155 ½ and 159 Terrace Hill Street, Brantford.

Specifically, we attended an industry event with the City and it is our understanding that the City, in response to a question, is not supportive of adding townhouse residential to the list of permitted land uses and maintaining 'Existing' in reference to the Neighbourhood Low-Rise (NLR) Zone. Both directions cause our client concerns, and the purpose of this letter is to request the City reconsider and make appropriate modifications to the next draft of the Zoning By-Law as outlined within this letter.

As noted earlier, our client was an active participant in the new City of Brantford Official Plan and is satisfied with the land use designation and policies of the approved Plan applicable to their property.

Background

The approved Official Plan designates the subject property as:

- Schedule 1 Growth Management as Neighbourhoods
- Schedule 3 Land Use Plan as Residential Designation

Generally, the approved Official Plan supports a broad range of residential land uses and supporting land uses intended to serve local residents. Additional building considerations for redevelopment are to address the floodplain matters.

One of the objectives of the Official Plan is to provide policy framework and direction for private investment/implementation and to guide land use decisions.

It is acknowledged that the Official Plan policies for Low-Rise Residential Buildings is applicable to their lands.

Approved Zoning By-Law

The approved Zoning By-Law zones the lands on Schedule 'A' Map F-9 as Residential Conversion Zone 'RC'. The proposed development is for townhouse residential and given the property configuration and the permitted uses of the 'RC' zone (Section 7.8.1) would require a Zoning By-Law Amendment.

Proposed Development

As you may be aware, our client has been working with the City for the development of their lands and have completed Pre-Submission Consultation for the development of townhouse dwellings. Since the Pre-Submission Consultation, based on the comments received, they have been exploring alternative infill designs to address the housing need, better utilize the property configuration and to address compatibility with the surrounding neighbourhood. Their proposed infill development utilizes two properties where the parcel fabric is in a key-hole design (limited street frontage and a large redevelopment area to the rear) and where there are limited to like properties located within the neighbourhood. Given the property configuration the site is not efficient for single detached nor semi-detached and is better suited for Townhouse Dwelling as a land use.

Proposed Zoning By-Law

The proposed Zoning By-Law zones the lands on Schedule 'A' Map D4 as 'NLR (F9, A270, C40)'. Section 7.4 Existing Neighbourhood Low-Rise (NLR) within Section 7.4.1 Table 31 for residential land uses only with Single Detached dwelling and Semi-Detached dwelling being permitted.

Based on the proposed Zoning By-Law, the proposed development is a 'Dwelling, Block Townhouse' as defined within Section 4.73. Therefore, a private initiated Zoning By-Law Amendment would be required to implement the approved Official Plan.

Changing Times and Directions

Over the past years and since the approval of the City Official Plan the province has been aggressively pursuing legislative changes to support the principle of 'more housing and faster' and removing the barriers which may impede that principle to address the housing crisis in Ontario.

The public planning policies:

- require better and more efficient utilization of land use designations to avoid unnecessary urban expansions.
- require the efficient utilization of existing and planned municipal infrastructure.
- support appropriate intensification within the Built-up Area.
- support a diversification of residential land uses.
- reduce the barriers for the delivery of more housing and in a faster time frame.

Without speaking to the merits of the legislative changes, the implementation of the Official Plan through the proposed Zoning By-Law is one way the City can support the principle and reduce the barriers to that objective.

Therefore, adding Townhouse Dwellings and deleting the 'Existing' to Neighbourhood Low-Rise (NLR) zone is consistent with the provincial and municipal direction and supports to reduce one of the barriers affecting the delivery of new housing.

Request No. 1 - Add Dwelling, Townhouse to the Permitted Uses of the Neighbourhood Low-Rise (NLR) Zone

As earlier noted, our client actively participated within the Official Plan process and is satisfied with the policy framework and as it relates to their property. It is our opinion that the approved Official Plan provides for a policy framework that would support Dwelling, Townhouse be included within the Neighbourhood Low-Rise (NLR) Zone. It is our opinion that this additional permitted land use would ensure conformity with the Official Plan, and it is within the permitted land uses anticipated through the implementation of the Official Plan.

Official Plan Policy 5.2.1.a states:

'Lands within the Residential Designation may include a full range of residential dwelling types, as well as supporting land uses intended to serve local residents. It is recognized that areas within the Residential designation will continue to evolve, with compatible development playing a modest role in achieving the City's overall target for residential intensification in the Built-up Area.'

It is our opinion to 'include a full range of residential types' the Zoning By-Law should include the land uses that the Official Plan states is within the Residential Designation and specifically within the Low-Rise Residential Designation. This would include Dwelling, Townhouse.

It is our opinion that the subject property is located within the 'Built-up Area' and over time a limited number of properties will redevelop with compatible residential land uses and modestly contribute to support the residential intensification target of the municipality. The Official Plan contemplates and provides for some redevelopment opportunities. These redevelopment opportunities can be achieved through private initiatives within vacant lots/areas, underutilized lots, changes to existing non-residential land uses or existing developed lots. Our client in time proposes to redevelop their property for Dwelling, Townhouse given the size and configuration of the property as it provides for the appropriate utilization of the land use designation and municipal infrastructure and would conform with the approved Official Plan.

Official Plan Policy 5.2.1.c states:

'The maximum building height for Low-Rise Residential Buildings shall be 3 storeys. Built forms that are considered to be Low-Rise Residential Buildings include:

- i. Single detached, semi-detached, duplex and triplex dwellings; and,*
- ii. Townhouse dwellings'*

It is our opinion that the Official Plan clearly states all permitted residential land uses are considered as Low-Rise Residential given they are similar in nature and does not make any distinction between the land uses. Therefore, the Zoning By-Law should include all residential land uses identified within the policy.

Official Plan Policy 5.2.1.d states:

'In addition to the above noted built forms, the implementing Zoning By-Law may permit other residential building forms that support the intent of the Low-Rise Residential Buildings category, such as laneway housing and additional residential units.'

It is our opinion that the approved Official Plan acknowledges that the Zoning By-Law would include the land uses of Policy 5.2.1.c and the option to include laneway housing and additional residential units. It is noted that additional residential units through recent provincial legislation is required and is no longer an option.

Official Plan Policy 4.3.c.iii states:

'Intensification opportunities within the Neighbourhoods that are also within the Delineated Built-up Area may be limited, while those areas continue to evolve. Their contribution to the intensification target will be primarily compatible infill development on vacant lots and underutilized lands, the adaptive reuse or expansion of existing buildings, and the establishment of additional residential units in existing homes and accessory buildings; and'

It is our opinion that the approved Official Plan provides for the opportunity for limited compatible infill development on vacant lots and underutilized lands. The proposed redevelopment of the subject lands would provide for such opportunity. Given that the approved Official Plan permits Dwelling, Townhouse, it is appropriate that the Zoning By-Law include the Dwelling, Townhouse land use. It is not anticipated that when redevelopment is to be considered that all permitted land uses within the Residential Designation of the Official Plan and the Neighbourhood Low-Rise (NLR) zone would be advanced everywhere and that there would be an evaluation of the site context. The results of the site context evaluation if it were for the permitted land uses of the Official Plan and Zoning By-Law, would be in conformity with the approved Official Plan.

Through our review of the proposed Zoning By-Law, we believe that the permitted land uses provided for within the Official Plan are provided for within the proposed zoning categories save and except Dwelling, Townhouse in the NLR zone.

It is our opinion that given there was significant and comprehensive consultation, providing for Townhouse Dwelling within the Residential designation and thus the NLR zone would not be a surprise to the community.

Given the intent of the proposed Zoning By-Law is to implement the Official Plan then it is appropriate and responsible to include Dwelling, Townhouse in the NLR zone.

It is not appropriate and in keeping with the principle to require a private initiated Zoning By-Law Amendment to consider Dwelling, Townhouse within the NLR zone as they will add uncertainty, cost, and timing where the Official Plan designations specifically provides for the use.

Recommendation One:

It is our opinion that given the intent of the proposed Zoning By-Law is to implement the approved Official Plan. Therefore, as outlined within this letter, the proposed Zoning By-Law to address conformity must also include as a permitted use within the Existing Neighbourhood Low-Rise (NLR) the land use of Dwelling, Townhouse.

Request No. 2 – Delete the Reference to 'Existing' from the Neighbourhood Low-Rise (NLR) Zone

It is our opinion that 'Existing' is not required to be included as the prefix of the Neighbourhood Low-Rise (NLR) zone. It is noted that other proposed zoning categories do not have a similar prefix of 'Existing.'

The Official Plan policies provides for the consideration of infill development and therefore a change to the land use that existed on the effective date of the By-Law could be considered and in conformity with the plan. Therefore, there is expectation, although on a limited basis, that there will be changes to the existing land uses through the implementation of the Plan. There was extensive consultation throughout the preparation of the Official Plan, and in our opinion, there would be anticipated changes to the existing land uses through the implementation of the Official Plan and proposed Zoning By-Law. In our opinion, the term creates confusion, adds no value, creates uncertainty, and undermines the implementation of the Official Plan.

Mr. Joshua Schram, MA, MCIP, RPP
City of Brantford
March 6, 2024

Noting that 'Existing' also does not appear on any Schedule 'A' of the proposed By-Law where the zones are referenced.

It is our opinion the use of 'Existing' implies no future changes and where change is proposed as provided for within the policies of the Official Plan sets a barrier that would have to be overcome that is needless.

Recommendation Two:

It is our opinion that 'Existing' be deleted from the proposed Zoning By-Law for the Neighbourhood Low-Rise (NLR) Zone.

As noted earlier in this letter, the province has undertaken significant legislative changes with the intent to remove barriers to provide for the opportunity of more housing and faster. Therefore, the proposed Zoning By-Law should not add a new significant barrier to the implementation of the provincial objectives. It is our opinion that not including Dwelling, Townhouse within the permitted land uses as clearly stated and provided for within the approved Official Plan and to utilize 'Existing' will create additional uncertainty related to any proposed land use changes which conform with and implements the approved Official Plan.

The City undertook a rigorous consultation process in developing the new Official Plan and which our client actively participated within. Therefore, it was with expectation that the proposed Zoning By-Law would implement the Official Plan and support that within the 'Built-up Area,' for lands as Residential Designation that the City would include all of the land uses specifically permitted and not require a secondary step.

In our opinion, if these requested changes are not included, landowners (those that apply or those that are asked to comment on a site-specific request) will be confused as to the purpose of the application when the land use is clearly permitted. By not including the requested change, a landowner will face additional cost, time, and effort for a process that would require retaining professional consultants, payment of municipal and agency fees, requiring municipal and agency staff, Committee and Council time and create uncertainty for a process that can and should be addressed through the proposed Zoning By-Law. Council, municipal and agency staff, and the public should have other priorities than participating in a process that is not necessary. We look forward to receiving the staff support of the requested changes to the proposed Zoning By-Law.

We thank you for the opportunity to provide these supplemental comments related to the proposed Zoning By-Law. Upon your review, we would be pleased to meet with you to discuss and would appreciate a response to our comments.

Sincerely,

ARCADIS PROFESSIONAL SERVICES (CANADA) INC.


Douglas W. Stewart, MCIP, RPP

Associate, Manager – Urban & Regional Planning

Email: douglas.stewart@arcadis.com

Direct Line: 519-585-2255 ext. 63212

cc: Samarlin Homes

Joshua Schram

From: Annii Okonkwo
Sent: Thursday, March 7, 2024 10:34 AM
To: New Zoning By-law Project
Cc: Chuka Topwide
Subject: 88 Golf Road Zoning Change

Follow Up Flag: Follow up
Flag Status: Completed

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Good day,

I'm writing to submit a comment in regards to the new zoning by-law that is scheduled to take effect this year, particularly for 88 Golf Road that is currently zoned zone label: H2-N.

We are the current owners of this land and we are desperate to bring new development and residential housing to the city of Brantford. We have a beautiful piece of land and site plan to introduce as many as 40 townhomes, our only stumbling block being the restrictions the city has in place for developing those lands. Bear in mind, there is land zoned NLR just adjacent to 88 Golf Road.

We hope this comment will make its way to the right people involved and we can collaborate to help fight this housing crisis and bring more economic development to the city of Brantford. Thank you!

Best Regards,

--

Annii Okonkwo
Chief Development Officer
Topwide Properties Ltd.

Joshua Schram

From: Oz Kemal
Sent: Monday, March 11, 2024 1:54 PM
To: Joshua Schram; Paul Lowes; Alan Waterfield; Nicole Wilmot; Tamara Tannis; Miranda Ivany
Cc: Steve Bishop; Pegah Abhari
Subject: Draft Zoning By-law - Submission Letter - Request for Meeting MHBC and KSNADG Lynden Park Inc
Attachments: Mixed-use Storage Examples.pdf; 0793E-Draft City Zoning By-law - Site-Specific Zoning Provisions-Lynden Park Mall-2024-03-10.pdf
Categories: Red Category

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Hi Joshua et al,

Thanks for meeting with us last month to discuss the specifics Lynden Park Mall. From that meeting our key takeaways were to assist the zoning team by editing/drafting the current site specific zoning for the new draft Zoning By-law, and to provide examples of self-storage uses in various mixed use/zone settings to help assist the Zoning team in considerations where self-storage could be permitted.

City zoning team noted that they would revisit building heights for non-residential uses as it relates to Lynden Park Mall, as well as the definition of Shopping Centre to ensure that multiple ownerships are captured in the definition to avoid logistical/operational issues with the existing centre.

Attached for your consideration is our edited site specific provisions as well as a presentation package showing various examples of self-storage uses permitted in other municipalities. We also took a closer look at the shared parking provisions (5.15) as discussed/suggested and given its interpreted application, chose to deal with that through the site specific zoning by maintaining our blended parking rate.

Please let us know if you would like to have a follow up meeting to discuss the attached documents.

Thank you,

OZ KEMAL BES, MCIP, RPP | Partner

MHBC Planning, Urban Design & Landscape Architecture

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URBAN DESIGN
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PROPOSED REVISIONS TO DRAFT CITY OF BRANTFORD ZONING BY-LAW:

The following revisions should be made to the proposed Draft City of Brantford Zoning By-law:

1. Add a new Section 16: Site-Specific Amendments to the draft Zoning By-law, to stop the practice of incorporating site-specific regulations under a Holding Provision given that site-specific regulations do not represent conditions to be met prior to the release of a development application or building permit.
2. Delete the Holding Number 'H14' from Table 48, Section 15.0 Holding Provisions under Sub-section 15.1 Requirements. The Holding Provision matters that are currently captured under H14.b regarding the requirements for a Noise Attenuation Study for new residential development is captured under the City of Brantford Official Plan, Section 9.11 Development Applications, specifically s.9.11.h. Regarding Site Plan Agreements, a new sub-section should be added under section 2.0 Administration or 3.0 General Provisions of the Zoning By-law to identify the need for the circumstances wherein a Site Plan Agreement is required.
3. Rezone the Lynden Park Mall lands to a site-specific MCC-01 zone on Schedules B-5 and C-5 and delete the "H14-MCC" zone from the subject lands.
4. Add to the new Section 16.0 Site-Specific Amendments, the following site-specific regulations as the first site-specific zone:

16.1 Within the MCC-01 zone, specific to 84 Lynden Road, the following regulations shall apply:

- a. In addition to the permitted uses within the MCC zone, the following additional use shall also be permitted:
 - i. Public Self-Storage.
- b. Notwithstanding any provisions of this Bylaw to the contrary, the following provisions shall apply:

i. Rear Yard Setback	5.0 m
ii. Parking (minimum)	4.0 spaces/100 m ² GFA
iii. Parking, Public Self-Storage	1.0 space/200 m ² GFA
iv. Amenity Space, residential	3 m ² /dwelling unit*

* *The amenity space may be added either indoor or outdoor.*
- c. That all the provisions of the MCC Zone in Section 6.0 to this Bylaw, and all other provisions of this Bylaw, as amended, that are consistent with the provisions herein contained, shall continue to apply mutatis mutandis.



SELF- STORAGE

March 2024

Case Study

Introduction

Self-storage facilities of the past were generally located in remote and industrial areas. Land was cheap and construction aesthetics were nonexistent. Through the years, facility quality, design and location have all immensely improved. Zoning changes are permitting self-storage buildings in urban areas when facilities include “active” uses, such as offices or retail. Self-storage buildings are now part of mixed-use development and no longer viewed solely as industrial uses.

Across the Greater Toronto Area upscale self-storage sites are being delivered that include multistorey, mixed-use buildings with ground-oriented retail as well as office and coworking spaces. The integration of a mix of uses in modern storage facilities has helped to create an active pedestrian environment that has supported their integration within existing commercial areas and shopping centers. More recently, these facilities are even being sought as part of new high-density residential developments in more urban contexts such as the City of Toronto.

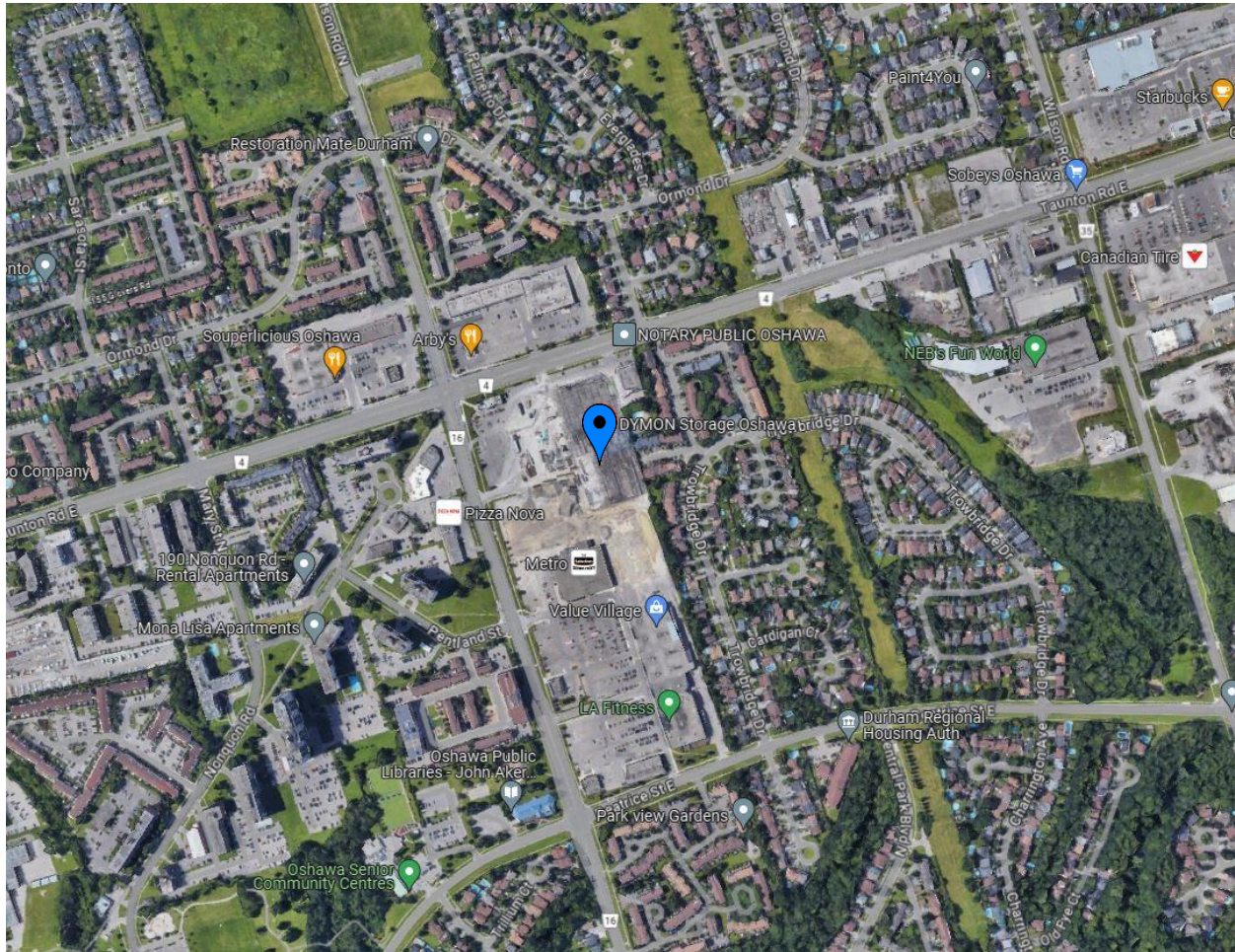
Below are some examples that aim to showcase recently delivered and/or proposed storage facilities as part of commercial centres and mixed-use developments and/or neighbourhoods. The first four have been provided as a case study further in the document.

	Operator	Address	Description	OP Designation and Zoning	Status
1.	Dymon	285 Taunton Rd E, Oshawa	<ul style="list-style-type: none">- 2 storeys within/adjacent to Five Points Shopping Centre- 1660 storage units- 252,000 sqft facility- Retail at grade	<ul style="list-style-type: none">- OP: Planned Commercial Centre- Zoning: Planned Commercial Centre Zone (Special Provision)	Delivered 2018
2.	Apple Storage	490 Holland St W, Bradford	<ul style="list-style-type: none">- 3-storey mixed-use Storage facility- Approx 126,199 sqft facility- Office Space (approx. 1,400 sqft)	<ul style="list-style-type: none">- OP: Service Commercial- Zoning: Neighborhood Commercial (Exception 6)	Pre-Construction (SPA Approved)
3.	Dymon	3621 Dufferin Street, Toronto	<ul style="list-style-type: none">- 10 storeys- Approx 158 residential units- Office space (approx. 60,300 sqft GFA)- Retail at grade (approx. 30,600 sqft GFA)	<ul style="list-style-type: none">- Regeneration Area- Commercial Residential (CR) w/ Special Provision Exception CR 519 to allow Self Storage Warehouse as a permitted use.	Under Construction

4.	SmartStop Self Storage	2055 Cornwall Rd, Oakville	<ul style="list-style-type: none"> - 3 storeys - Office Space - Retail at grade (moving supplies) 	<ul style="list-style-type: none"> - OP: Business Employment - Zoning: Employment E2 (SP365) 	Delivered 2016
Additional Examples					
5.	Apple Storage	61 Churchill Dr, Barrie	<ul style="list-style-type: none"> - Proposed 4-storey building with a total GFA of 126,674 sqft - 1,352 sq. ft. of office space - Retail at grade (moving supplies) 	<ul style="list-style-type: none"> - Employment Area Industrial - Light Industrial (per special provision) 	Pre-Construction (conditional SPA approval)
6.	Dymon	875 Appleby Lane, Burlington	<ul style="list-style-type: none"> - 365,000 sqft facility - Self Storage (approx. 247,000 sqft) - Office Space (approx. 90,000 sqft) - Retail at grade/Reception (approx. 12,000 sqft) 	<ul style="list-style-type: none"> - Business Corridor - Employee Zones – Business Corridor 	Under Construction
7.	Dymon	1370 Neilson Rd, Scarborough	<ul style="list-style-type: none"> - Approx 140,000 sqft facility - Retail at grade for moving supplies (approx.) 	<ul style="list-style-type: none"> - Mixed Use Areas - Residential Apartment with exception 	Pre-Construction (Zoning and Site Plan Review)

1. Dymon Storage Oshawa

Address: 285 Taunton Rd E, Oshawa, ON



Status: Delivered 2018

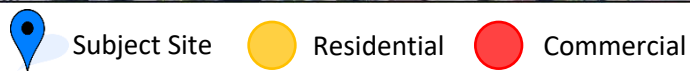
Description: The 252,000 square-foot facility includes a retail component with 38,000 square feet of retail on the exterior of the building and features flexible workspaces, coworking space, and private offices.

Surrounding Context: Located on Taunton Road, this Dymon Storage facility has been developed in a converted commercial space which previously housed a Target store and was formerly part of Riocan's Five Points Shopping Centre in Oshawa. To facilitate the development, portion of the enclosed mall space was demolished, and the land was severed and sold to Dymon Storage. Immediately to the south of the site is the remainder of Five Points Shopping Centre, featuring Metro Food Store, Value Village and LA Fitness. The southwest, northwest and northeast corners of the intersection of Taunton Rd E and Ritson Rd N feature commercial plazas and beyond that are low-density residential communities and rental apartments.

Zoning: The site is zoned Planned Commercial Centre (PCC). The PCC zone designates areas intended to be developed as shopping centres within Central Areas, and permit a range of commercial uses that are

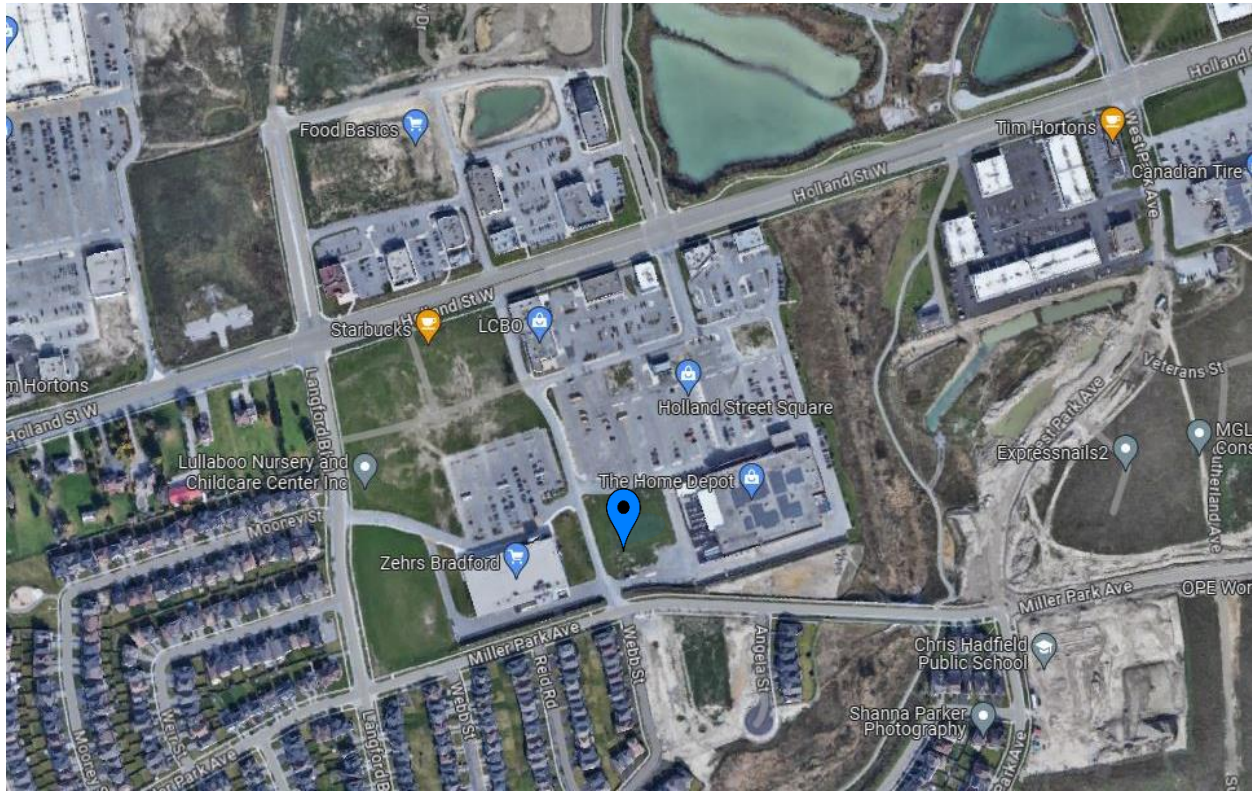
related to the type and function of respective shopping centres, in addition to parks and recreational uses, medium and high density residential uses, mixed-use developments and community uses such as day care centres, places of worship and libraries (provided such uses are compatible with surrounding land uses).

Site specific zoning has been established for the site through a zoning by-law amendment. Section 17.3.4 of the City of Oshawa's Zoning By-law 60-94 includes permissions for self-serve storage building with a requirement for a minimum of two-storeys for the facility.



2. Apple Storage Bradford

Address: 490 Holland St W, Bradford, ON



Status: Pre-Construction (SPA Approved)

Description: A three-storey self-storage facility with a total gross floor area of 126,199 Square feet.

Surrounding Context: The site is located within Holland Street Square Shopping Centre, and the proposed storage facility is to be located adjacent to an existing Home Depot and Zehr's Market. To the North along Holland Street West are additional commercial/retail plaza's and to the south are existing low density residential communities.

Zoning: The site is zoned Neighbourhood Commercial (Exception Number 6) Zone, which permits a range of commercial uses including shopping centre. Service Commercial lands are intended to provide a variety of highway and retail commercial uses to serve the residents of the town. The area is intended over time to function as an extension of the commercial core of the Town. Permissions for commercial self-storage facility were established by way of zoning amendment (2022-38), which also established additional supportive parking standards and building standards.

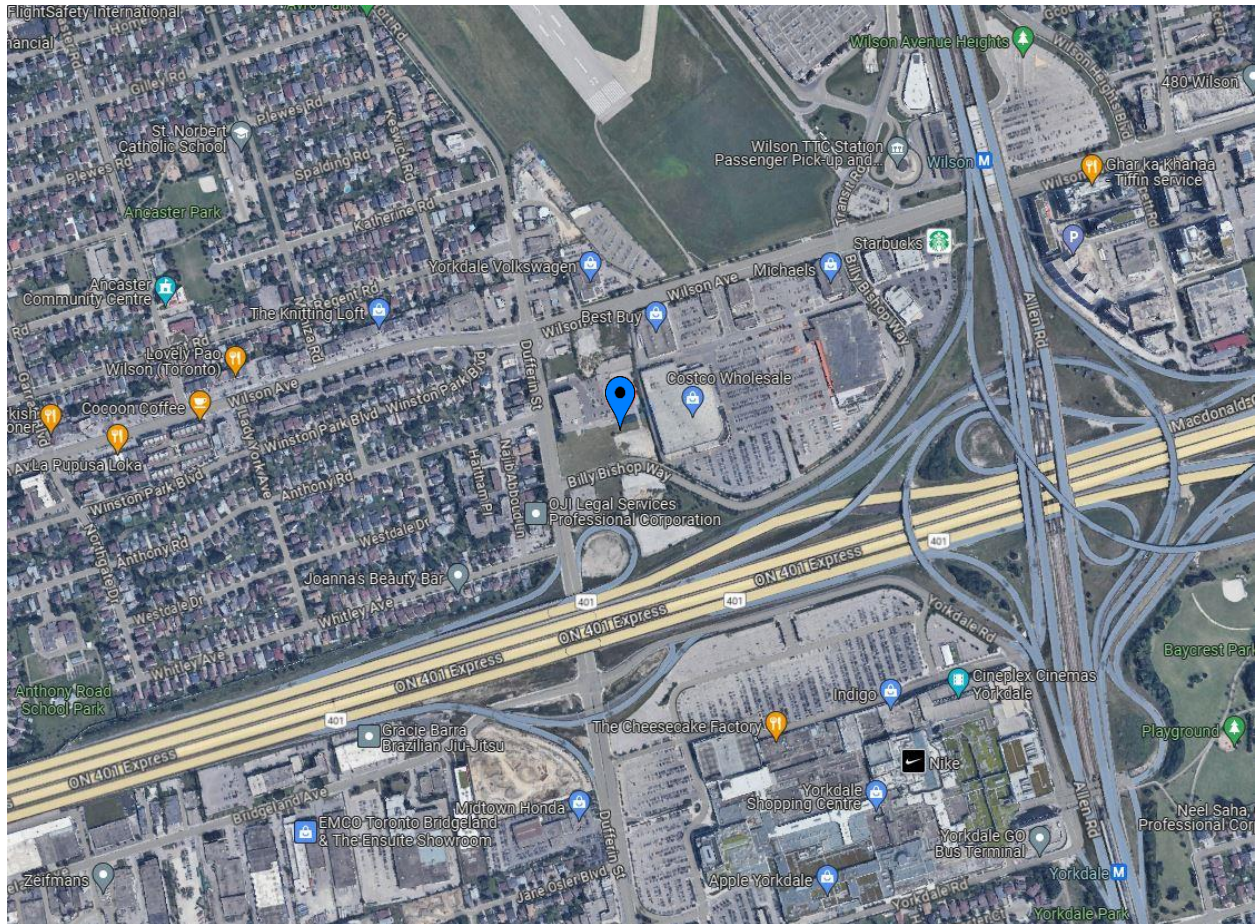


 Subject Site  Residential  Commercial  Institutional



3. Dymon Storage Dufferin

Address: 3621 Dufferin Street, Toronto, ON



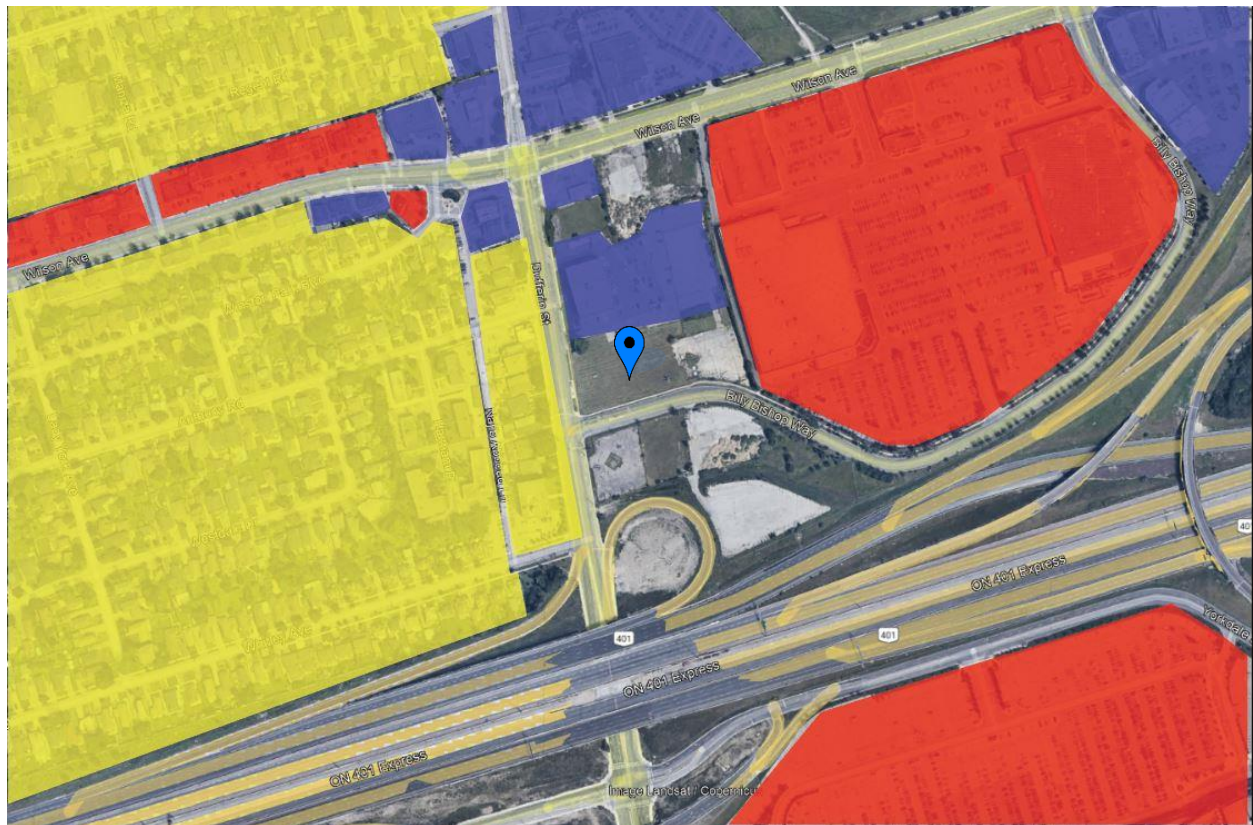
Status: Under Construction

Description: Proposed 10-storey mixed-use development incorporating 158 residential condominium units (flr 2-7); ground floor retail; office (8 flr); **self-storage** (flr 2-7); indoor & outdoor amenity space. 334 vehicular and 151 bicycle parking spaces, and 4 loading spaces.

Surrounding Context: Located on Dufferin Street, between Billy Bishop Way and Wilson Avenue, this site is adjacent to an existing commercial plaza to the East, featuring Costco, Best Buy, Home Depot and Second Cup, among other retailers. To the North is an existing office building, to the west are low-density residential communities, and to the south is a proposed 3-storey commercial building.

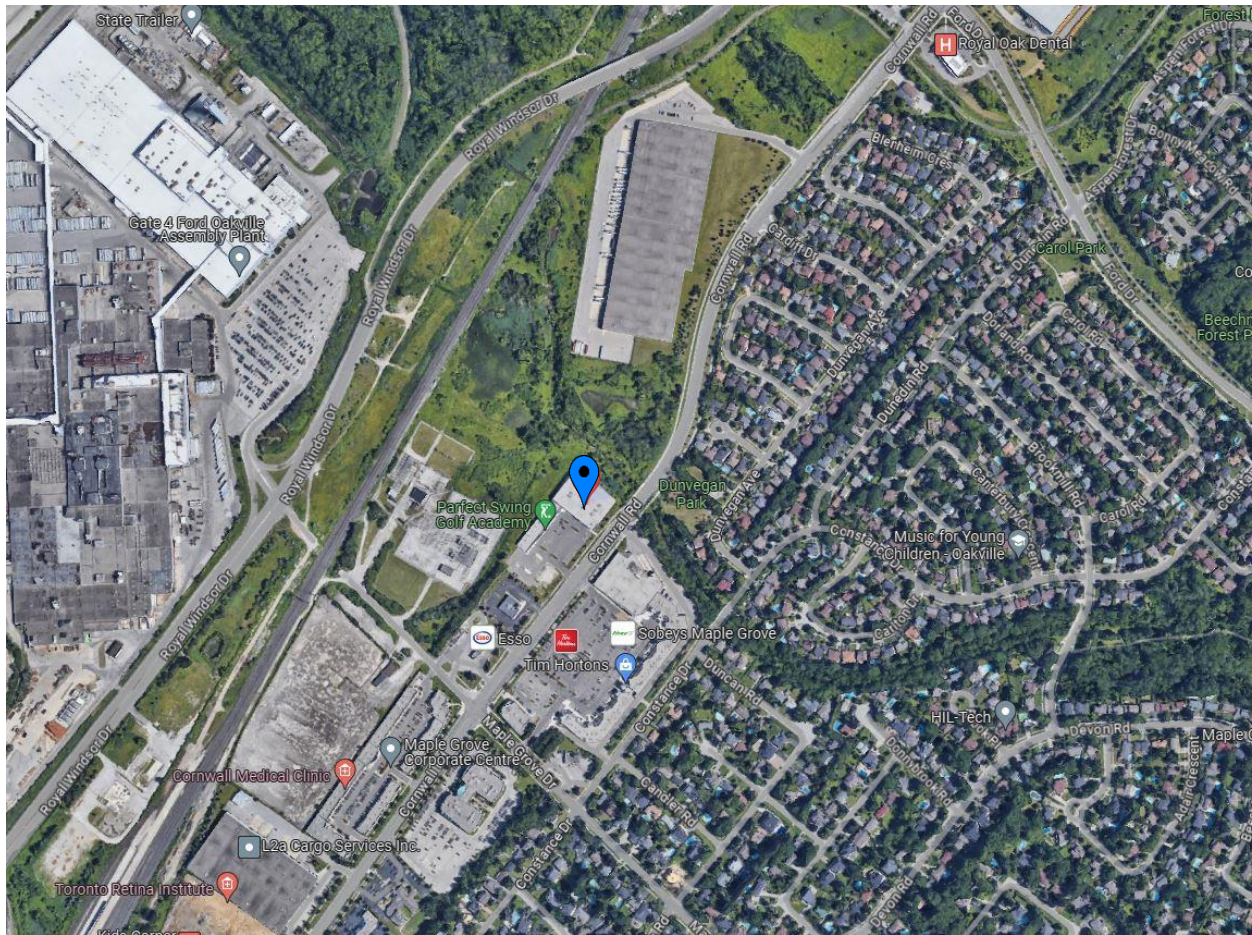
Zoning: The site is within the Dufferin-Wilson Regeneration Study area and has secured City Council approval for an Official Plan Amendment and Zoning By-law Amendment. The current zoning for the site is Commercial Residential (CR 2.75 SS2), with Exception (CR 519) establishing permissions for self-storage warehouse use, and amongst other standards, introduced a cap on the permitted maximum gross floor area to 46,600 square metres, of which Self-Storage Warehouse uses shall not exceed 50 percent of the total Gross Floor Area up to a maximum of 23,300 square metres (whichever is the

lesser). In addition, it established a requirement for residential, offices and self-storage accesses and lobby areas to be maintained and kept separate for each use.



4. SmartStop Self Storage Oakville

Address: 2055 Cornwall Rd, Oakville, ON



Status: Delivered 2016

Description: Three-storey building with 820 storage units.

Surrounding Context: Located on Cornwall Rd, this facility is located on a 3.51-acre site, adjacent to Oak Tree Square Retail Plaza including retailers such as Starbucks and TD Canada Trust. To the South of the site is Maple Grove Village Plaza, which features Sobeys, Rexall, Home Hardware and Tim Hortons. Further South are established low-rise residential neighbourhoods. To the North is open space (Parkway Belt), existing railway and Royal Windsor Court.

Zoning: The site is zoned Business Employment (E2), which permits commercial self-storage, in addition to a range of other uses, including but not limited to hotel, medical office, financial institution, restaurant and retail store. The purpose of the E2 – Business Employment Zone is to provide for a wide range of business and industrial uses. The uses in the Business Employment areas are intended to be predominantly within enclosed buildings and provide for office uses and light and service industrial operations with minimal impacts on the surrounding areas.



 Subject Site
  Residential
  Commercial
  Employment





Mr. Joshua Schram, MA, MCIP, RPP
Senior Planner, Long Range Planning
City of Brantford
Planning and Development Services
City Hall, 100 Wellington Square
Brantford, ON N3T 2M2

Arcadis Professional Services (Canada) Inc.
410 Albert Street
Suite 101
Waterloo, Ontario N2L 3V3
Canada
Phone: 519 585 2255
www.arcadis.com

Date: March 13, 2024

Our Ref: 114013

Subject: 712102 Ontario Inc.

Supplementary Comments - Proposed City of Brantford New Zoning By-Law (November, 2023)
101 Catharine Avenue, Brantford

Dear Mr. Schram,

Please accept these supplementary comments prepared on behalf of 712102 Ontario Inc. as they relate to the Proposed City of Brantford new Zoning By-Law (November 2023). Earlier, on behalf of our client, we provided their initial comments to the proposed city Zoning By-Law and specifically as it relates to their lands located at 101 Catharine Avenue.

Specifically, we attended an industry event with the City, and it is our understanding that the City in response to a question is not supportive of adding townhouse residential to the list of permitted land uses and maintaining 'Existing' in reference to the Neighbourhood Low-Rise (NLR) Zone. Both directions cause our client concerns, and the purpose of this letter is to request that the City reconsider and make appropriate modifications to the next draft of the Zoning By-Law as outlined within this letter.

As noted earlier, our client was an active participant in the new City of Brantford Official Plan and is satisfied with the land use designation and policies of the approved Plan applicable to their property.

Background

Approved Official Plan

The approved Official Plan designates the subject property as:

- Schedule 1 Growth Management as Neighbourhoods
- Schedule 3 Land Use Plan as Residential Designation
- Schedule 7-1 Floodplain as Special Policy Area 1

The approved Official Plan supports a broad range of residential land uses and supporting land uses intended to serve residents. Additional building considerations for redevelopment are to address the floodplain matters.

One of the objectives of the Official Plan is to provide policy framework and direction for private investment/implementation and to guide land use decisions.

It is acknowledged that the Official Plan policies for Low-Rise Residential Buildings is applicable to their lands.

Approved Zoning By-Law

The approved Zoning By-Law zones the lands on Schedule 'A' Map H-8 as Floodplain and Residential Conversion Zone 'F-RC'. The proposed development is for townhouse residential and given the property

configuration and the permitted uses of the 'F-RC' zone (Section 7.8.1) would require a Zoning By-Law Amendment.

Proposed Development

Numerous redevelopment concepts have been developed and given the limitations of the Prefix 'F' and where no basements may be provided, other limiting matters in the Zoning By-Law and compatibility with the neighbourhood, the redevelopment of this property is better suited for townhouse development and not mid rise residential. Therefore, it our opinion that the proposed Zoning By-Law should address the preferred form of development for Townhouse Dwellings which conforms with the approved Official Plan.

The property is currently developed with an existing building utilized for a business related to the sale and installation of windows, doors, siding, awnings, soffit, fascia and eavestrough. The existing business does not conform to the long-term vision of the Official Plan. The existing building is not conducive for adaptive use for residential land uses and given the property configuration the site is not efficient for single detached, semi-detached and is better suited for Townhouse Dwelling as a land use.

Proposed 1st Draft Zoning By-Law

The proposed Zoning By-Law zones the lands on Schedule 'A' Map D4 as 'NLR (F9, A270, C40)'. Section 7.4 Existing Neighbourhood Low-Rise (NLR) within Section 7.4.1 Table 31 for residential land uses only Single Detached dwelling and Semi-detached dwelling are permitted.

Based on the proposed Zoning By-Law, the preferred proposed development would be considered as 'Dwelling, Block Townhouse' as defined within Section 4.73 and 'Dwelling, Street Townhouse' as defined within Section 4.79. Therefore, a Zoning By-Law Amendment would be required.

Schedule B of the Zoning By-Law provides for a 'Flood Protection Overlay' and Section 3.10 provides for the guidance and limitation of the Flood Protection Overlay for redevelopment.

Changing Times and Directions

Over the past years and since the approval of the city Official Plan the province has been aggressively pursuing legislative changes to support the principle of 'more housing and faster' and removing the barriers which may impede that principle to address the housing crisis in Ontario.

The public planning policies:

- require better and more efficient utilization of land use designations to avoid unnecessary urban expansions.
- require the efficient utilization of existing and planned municipal infrastructure.
- support appropriate intensification within the Built-up Area.
- support a diversification of residential land uses.
- reduce the barriers for the delivery of more housing and in a faster time.

Without speaking to the merits of the legislative changes, the implementation of the Official Plan through the proposed Zoning By-Law is one way the City can support the principle and reduce the barriers to that objective.

Therefore, adding Townhouse Dwellings and deleting 'Existing' to Neighbourhood Low-Rise (NLR) zone is consistent with the provincial and municipal direction and supports to reduce one of the barriers affecting the delivery of new housing.

Request No. 1 - Add Dwelling, Townhouse to the permitted uses of the Neighbourhood Low-Rise (NLR) Zone

As earlier noted, our client actively participated within the Official Plan process and is satisfied with the policy framework and as it relates to their property. It is our opinion that the approved Official Plan provides for a policy framework that would support Dwelling, Townhouse be included within the Neighbourhood Low-Rise (NLR) Zone. It is our opinion that this additional permitted land use would ensure conformity with the Official Plan, and it is within the permitted land uses anticipated through the implementation of the Official Plan.

Official Plan Policy 5.2.1.a states:

'Lands within the Residential Designation may include a full range of residential dwelling types, as well as supporting land uses intended to serve local residents. It is recognized that areas within the Residential designation will continue to evolve, with compatible development playing a modest role in achieving the City's overall target for residential intensification in the Built-up Area.'

It is our opinion to 'include a full range of residential types' the Zoning By-Law should include the land uses that the Official Plan states is within the Residential Designation and specifically within the Low-Rise Residential Designation. This would include Dwelling, Townhouse.

It is our opinion that the subject property is located within the 'Built-up Area' and over time a limited number of properties will redevelop with compatible residential land uses and modestly contribute to support the residential intensification target of the municipality. The Official Plan contemplates and provides for some redevelopment opportunities. These redevelopment opportunities can be achieved through private initiatives within vacant lots/areas, under-utilized lots, changes to existing non-residential land uses or existing developed lots. Our client in time proposes to redevelop their property for Dwelling, Townhouse given the size and configuration of the property as it provides for the appropriate utilization of the land use designation and municipal infrastructure and would conform with the approved Official Plan.

Official Plan Policy 5.2.1.c states:

'The maximum building height for Low-Rise Residential Buildings shall be 3 storeys. Built forms that are considered to be Low-Rise Residential Buildings include:

- i. Single detached, semi-detached, duplex and triplex dwellings; and,*
- ii. Townhouse dwellings'*

It is our opinion that the Official Plan clearly states all permitted residential land uses are considered as Low-Rise Residential given they are a similar in nature and **does** not make any distinction between the land uses. Therefore, the Zoning By-Law should include all residential land uses identified within the policy.

Official Plan Policy 5.2.1.d states:

'In addition to the above noted built forms, the implementing Zoning By-Law may permit other residential building forms that support the intent of the Low-Rise Residential Buildings category, such as laneway housing and additional residential units.'

It is our opinion that the approved Official Plan acknowledges that the Zoning By-Law would include the land uses of Policy 5.2.1.c and the option to include laneway housing and additional residential units. It is noted that additional residential units through recent provincial legislation is required and is no longer an option.

Official Plan Policy 4.3.c.iii states:

'Intensification opportunities within the Neighbourhoods that are also within the Delineated Built-up Area may be limited, while those areas continue to evolve. Their contribution to the intensification target will be primarily compatible infill development on vacant lots and underutilized lands, the adaptive reuse or expansion of existing buildings, and the establishment of additional residential units in existing homes and accessory buildings; and'

It is our opinion that the approved Official Plan provides for the opportunity for limited compatible infill development on vacant lots and underutilized lands. The proposed redevelopment of the subject lands would provide for such opportunity. Given that the approved Official Plan permits Dwelling, Townhouse, it is appropriate that the Zoning By-Law include the Dwelling, Townhouse land use. It is not anticipated that when redevelopment is to be considered that all permitted land uses within the Residential Designation of the Official Plan and the Neighbourhood Low-Rise (NLR) zone would be advanced everywhere and that there would be an evaluation of the site context. The results of the site context evaluation if it were for the permitted land uses of the Official Plan and Zoning By-Law, would be in conformity with the approved Official Plan.

Through our review of the proposed Zoning By-Law, we believe that the permitted lands uses provided for within the Official Plan are provided for within the proposed zoning categories save and except Dwelling, Townhouse in the NLR zone.

It is our opinion that given there was significant and comprehensive consultation, providing for Townhouse Dwelling within the Residential designation and thus the NLR zone would not be a surprise to the community.

Given the intent of the proposed Zoning By-Law is to implement the Official Plan then it is appropriate and responsible to include Dwelling, Townhouse in the NLR zone.

It is not appropriate and in keeping with the principle to require a private initiated Zoning By-Law amendment to consider Dwelling, Townhouse within the NLR zone as they will add uncertainty, cost, and timing where the Official Plan designations specifically provides for the use.

Recommendation One:

It is our opinion that given the intent of the proposed Zoning By-Law is to implement the approved Official Plan. Therefore, as outlined within this letter, the proposed Zoning By-Law to address conformity must also include as a permitted use within the Existing Neighbourhood Low-Rise (NLR) the land use of Dwelling, Townhouse.

Request No. 2 – Delete the Reference to 'Existing' from the Neighbourhood Low-Rise (NLR) Zone

It is our opinion that 'Existing' is not required to be included as the prefix of the Neighbourhood Low-Rise (NLR) zone. It is noted that other proposed zoning categories do not have a similar prefix of 'Existing.'

The Official Plan policies provides for the consideration of infill development and therefore a change to the land use that existed on the effective date of the By-Law could be considered and in conformity with the plan. Therefore, there is expectation, although on a limited basis, there will be changes to the existing land uses through the implementation of the Plan. There was extensive consultation throughout the preparation of the Official Plan, in our opinion, there would be anticipated changes to existing land uses through the implementation of the Official Plan and proposed Zoning By-Law. In our opinion, the term creates confusion, adds no value, creates uncertainty, and undermines the implementation of the Official Plan.

Noting that 'Existing' also does not appear on any Schedule 'A' of the proposed By-Law where the zones are referenced.

Mr. Joshua Schram, MA, MCIP, RPP
City of Brantford
March 13, 2024

It is our opinion the use of 'Existing' implies no future changes and where change is proposed as provided for within the policies of the Official Plan sets a barrier that would have to be overcome that is needless.

Recommendation Two:

It is our opinion that 'Existing' be deleted from the proposed Zoning By-Law for the Neighbourhood Low-Rise (NLR) Zone.

As noted earlier in this letter, the province has undertaken significant legislative changes with the intent to remove barriers to provide for the opportunity of more housing and faster. Therefore, the proposed Zoning By-Law should not add a new significant barrier to the implementation of the provincial objectives. It is our opinion that not including Dwelling, Townhouse within the permitted land uses as clearly stated and provided for within the approved Official Plan and to utilize 'Existing' will create additional uncertainty related to any proposed land use changes which conforms with and implements the approved Official Plan.

The City undertook a rigorous consultation process in developing the new Official Plan and which our client actively participated within. Therefore, it was with expectation that the proposed Zoning By-Law would implement the Official Plan and support that within the 'Built-up Area,' for lands as Residential Designation that the City would include all of the land uses specifically permitted and not require a secondary step.

In our opinion, if these requested changes are not included, landowners (those that apply or those that are asked to comment on a site-specific requests) will be confused as to the purpose of the application when the land use is clearly permitted. By not including the requested change, a landowner will face additional cost, time, and effort for a process that would require retaining professional consultants, payment of municipal and agency fees, requiring municipal and agency staff, committee and Council time and create uncertainty for a process that can and should be addressed through the proposed Zoning By-Law. Council, municipal and agency staff, and the public should have other priorities than participating in a process that is not necessary. We look forward to receiving the staff support of the requested changes to the proposed Zoning By-Law.

We thank you for the opportunity to provide these supplemental comments related to the proposed Zoning By-Law. Upon your review, we would be pleased to meet with you to discuss and would appreciate a response to our comments.

Sincerely,

ARCADIS PROFESSIONAL SERVICES (CANADA) INC.


Douglas W. Stewart, MCIP, RPP

Associate, Manager – Urban & Regional Planning

Email: douglas.stewart@arcadis.com

Direct Line: 519-585-2255 ext. 63212

cc: 712102 Ontario Inc.



April 19, 2024

Planning Department
City of Brantford
58 Dalhousie Street
Brantford, ON
N3T 2J2

sent by email to: NewZBLProject@brantford.ca
jschram@brantford.ca

**RE: Comments on City of Brantford Draft Zoning By-law - 53 Henry Street, Brantford
OUR FILE 9526KG**

On behalf of our client, Lafarge Canada Inc., we have reviewed the City of Brantford Draft New Zoning By-law and are providing comments regarding the proposed zoning of the lands municipally known as 53 Henry Street, Brantford (herein referred to as the subject lands).

Lafarge Canada Inc. owns and operates an active Ready-Mix Concrete Plant (RMC) on the subject lands. The Official Plan identifies the subject lands as a 'Strategic Growth Area' (Schedule 1) and designates the lands as 'Intensification Corridor' (Schedule 3). Under the City's current Zoning By-law (No. 160-90), the lands are zoned Residential Medium Density Type A Zone Site Specific 4 with Holding (H-R4A-4). This zone permits primarily medium density residential built forms; however, the site-specific provision permits a concrete mixing plant.

The Draft Comprehensive Zoning By-law (2023) for the City of Brantford proposes to rezone the subject lands as Intensification Corridor Zone (H?-IC) to align with the Official Plan designation. The 'H?' symbol suggests that the City has not yet determined what type of Holding symbol to apply to the lands. The IC zone permits a range of residential dwelling types and commercial uses, but does not permit a Ready-Mix Concrete Plant. The current site-specific exception that permits an RMC on the subject lands under the current Zoning By-law has not been carried into the new draft Zoning By-law.

We are requesting that the site-specific exception permitting the Ready-Mix Concrete Plant in the current Zoning By-Law be carried forward into the City of Brantford Draft Zoning By-Law to recognize the existing permissions on the subject lands. We propose similar wording to the existing site-specific exception, as follows:

.X Concrete Mixing Plant – 53 Henry Street (H?-IC-x)

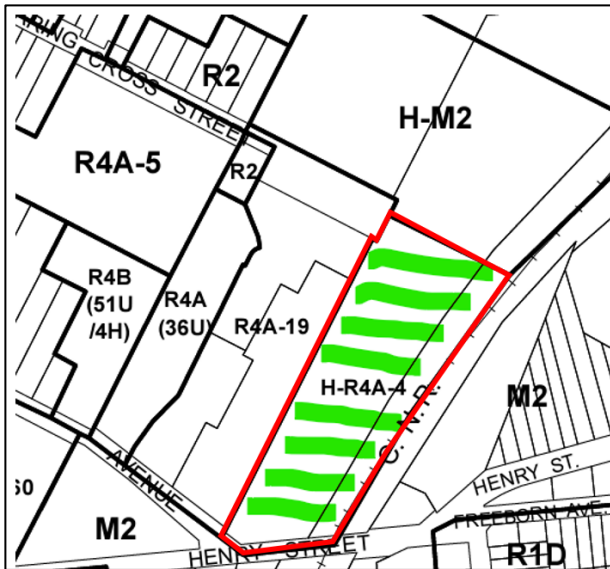
Notwithstanding any provision of this Bylaw to the contrary, any lot within any H?IC-x Zone may be used for all of the uses permitted in the IC Zone, plus the following use:

.1 A concrete mixing plant

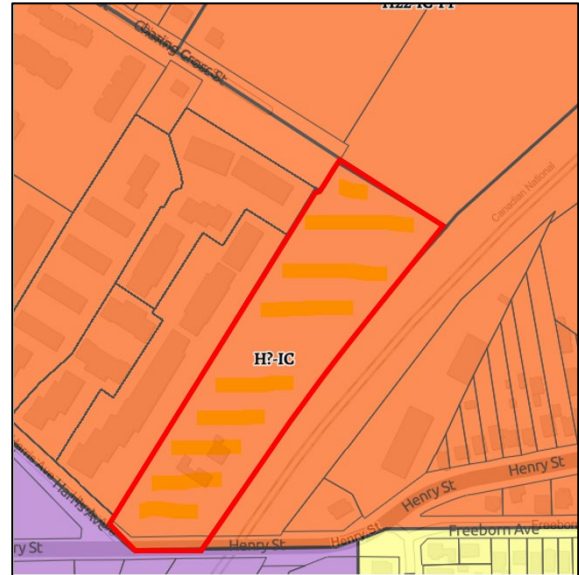
*Notwithstanding any provision of this Bylaw to the contrary, no person shall within any H?IC-
x Zone use any lot, or erect, alter or use any building or structure for a concrete mixing plant,
except in accordance with the following provisions:*

.1 In accordance with Section 10.3

*That all the provisions of the IC Zone in Section 6.8 to this Bylaw, and all other provisions of
this Bylaw, as amended, that are consistent with the provisions herein contained, shall continue
to apply mutatis mutandis.*



Current Zoning - Schedule A, Map E-10



Proposed Zoning

We appreciate the opportunity to provide comments on the City of Brantford's proposed new draft Zoning By-law and would like to schedule a meeting with staff to discuss the zoning for this property.

By way of this correspondence, we request to be added to the notification and circulation list to receive updates on the City's Zoning By-Law Review Project.

Yours truly,

MHBC

Caitlin Port, MES, MCIP RPP
Associate

Chelsea Major, MA, MSc(PI)
Planner

cc. Neal DeRuyter, Carol Siemiginowski



WATEROUS HOLDEN AMEY HITCHON^{LLP}
LAWYERS

April 19, 2024

BY EMAIL

NewZBLProject@brantford.ca

City of Brantford
58 Dalhousie Street
P.O. Box 1510
Brantford, ON N3T 2J2

P.O. Box 1510
20 Wellington Street,
Brantford, ON N3T 5V6
t. (519) 759-6220
f. (519) 759-8360
www.waterousholden.com

Dear Sir/Madam:

RE: Proposed Draft Zoning By-law
Description: Kerr Trace PT BLK 2 & 3 RP 2R4682 Part 1
Roll No. 2906 010 010 10050 0000
Our File No. 538136-145618

We act for John Neate, owner of the above noted Property, located on Colborne Street West. We have enclosed a sketch noting the location of the Property.

Our client's property is presently zoned as Hold-Residential Type 1B (H-R1B). The holding provision is related to servicing to the Property for which we understand that the nearby development of the lands to the immediate North and South of the Property make this a very realistic possibility. However, there is also an opportunity for private servicing on the Property.

The nearby development has also provided for fire protection (pressure) which also addresses the holding provision.

The recent Draft Zoning By-law (November 2023) proposes to rezone the Property as Hold-Core Natural Zone (H1-N). This zoning would prohibit any new residential development subject to an Official Plan and Zoning By-law Amendment. In further discussion with planning staff, it appears that there is likely to be a requirement of several studies as part of these applications.

As the Property has been zoned residential for over 20 years, it is difficult to conceive the Property to be rezoned as core natural. The vegetation on the Property relates to the Property being left unaltered for a period of time, rather than any wetland or other core natural features. Frankly, we struggle to understand the extension of the core natural designation to this Property based on its features.

Our client's intention with the Property is not the large scale development that surrounds it, but rather a single dwelling. In fact, most of the vegetation on the Property can remain untouched in the development of a single dwelling.

We ask that in consideration of the comments above, the City will review the lands for the appropriateness of the proposed new zoning.

Our client also intends to make formal comments at the Statutory Public Meeting should the proposed zoning remain unchanged.

If any questions or concerns, please do not hesitate to contact the undersigned.

Yours truly,

WATEROUS HOLDEN AMEY HITCHON LLP

Per:



Courtney Boyd, Associate Lawyer

CJB/cjb

Email: cboyd@waterousholden.com

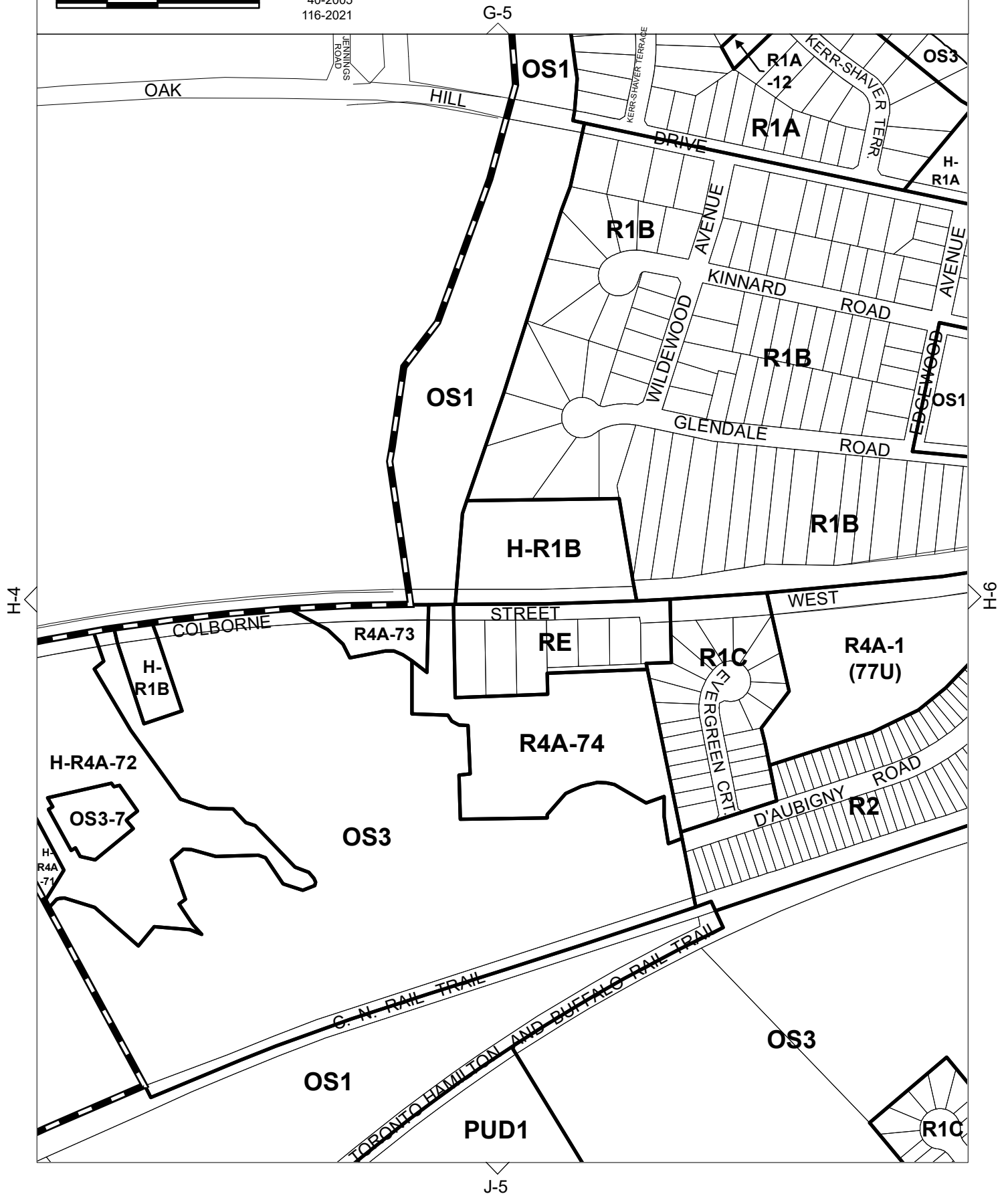
Direct: (519) 751-6413

CC: Joshua Schram (Email: jschram@brantford.ca)

THIS SCHEDULE HAS BEEN CONSOLIDATED BY BYLAWS:

34-93	31-2023
138-95	22-2023
190-2002	
40-2005	
116-2021	

Scale in Metres
50 0 50 150





April 29, 2024

500-24

Via Email & Delivered

Alan Waterfield, MCIP, RPP
&
Joshua Schram, MCIP, RPP

Long-Range Planning
Planning and Development Services
City of Brantford
58 Dalhousie Street
Brantford, ON N3T 2J2

Dear Mr. Waterfield & Mr. Schram,

RE: 50 IROQUOIS STREET, BRANTFORD
Recommendation to Revise Proposed Zoning within New Draft Zoning By-law

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) has been retained by 50 Iroquois Street (Brantford) Limited, the registered owners of 50 Iroquois Street in the City of Brantford. On their behalf, UrbanSolutions is pleased to submit this recommendation to revise the proposed zoning of the subject lands as contained within the new City of Brantford draft Zoning By-law.

The subject lands consist of a 2.77-hectare (6.85-acre) parcel with approximately 228.0 metres of frontage along Iroquois Street and 130.0 metres of frontage along Mary Street. The subject lands are within the 'Residential Designation' in the City of Brantford Official Plan and are currently zoned as "General Industrial (M2) Zone" in the City of Brantford Zoning By-law No. 160-90. Under the current draft Zoning By-law, the subject property is proposed to be rezoned to the "Existing Neighbourhood Low-Rise (NLR) Zone".

In keeping with our ongoing discussions on April 11th and April 24th, 2024, please accept this as confirmation of our recommendation to revise the draft Zoning By-law to rezone the subject lands from the "Existing Neighbourhood Low-Rise (NLR) Zone" to the "Residential Mid-Rise (RMR) Zone". The subject property abuts the Strategic Growth Area/Intensification Corridor identified within the City of Brantford Official Plan, shares its northern property boundary with a newly developed back-to-back townhouse community, is adjacent to a large open space area, and has sufficient access to a variety of existing and planned services.

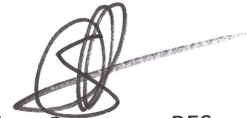
Based on the policy framework, site characteristics, and surrounding context, the property is well-suited for a medium density built form, and placing the lands in the "Residential Mid-Rise (RMR) Zone" represents good land use planning.

We look forward to continued collaboration with staff to discuss the outlined recommendation in greater detail. Should you have any questions, please do not hesitate to contact the undersigned.

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Stefano Rosatone, BES
Planner

cc: 50 Iroquois Street (Brantford) Limited
Miranda Ivany, Long-Range Planning, City of Brantford



BY EMAIL

June 11, 2024

Alan Waterfield, MCIP, RPP

Manager of Long Range Planning
Planning and Development Services
The Corporation of the City of Brantford
58 Dalhousie St.
Brantford, ON N3T 2J2

**Re: Ingenia Polymers Rail Properties
Formal Comments for Inclusion in City's Draft New Comprehensive Zoning Bylaw**

Dear Alan,

I am writing to provide the following comments for consideration to be included as part of the City's Draft New Comprehensive Zoning Bylaw with respect to our rail properties. As reference, please find attached list of properties by reference PIN numbers and related map illustrating the location of each.

As per review of the proposed zoning mapping, the majority of the track is shown proposed Residential Zone with the exception of 33 Newport as Mixed Use Zone and the property just south of our existing facility shown as Core Natural (PIN "L") which is not consistent with our current zoning. It is unclear how the City may interpret the zoning when our existing and future intentions are clear for the existing rail use is well identified.

Our intent and purpose is to request that our properties remain industrial only as per the current M2 zoning/equivalent. In our opinion, the proposed zoning identified is not appropriate.

For the above reasons we formally object to the proposed zoning and ask that you please review and accept our request and formally include in the final bylaw going forward in front of Committee and Council for approval.

We are hopeful that the City will re-consider this matter. We look forward to receiving your follow-up. In the meantime, should you have any questions or want to discuss please give me a call.

Yours truly,

Per: *Anwar Hussain*

**Anwar Hussain
Plant Manager
Ingenia Polymers Corp.**

Enclosures

SCHEDULE A / ANNEXE A

PARCEL	AREA (Acs. +/-)
A	0.55
B	0.66
C	0.32
D	0.41
E	0.76
F	0.57
G	0.36
H	3.03
I	0.42
J	0.43
K	0.07
L	9.08
TOTAL	16.66



DESCRIPTION: Brantford Province of Ontario Canada THIS IS NOT A PLAN OF SURVEY / CECI N'EST PAS UN PLAN D'ARPENTAGE	PROPERTY SKETCH		SUBDIVISION: Dundas (326)
			SPUR / ANTENNE: Burford & THB
	 Subject Lands/Terrain Sujet		MILEAGE / MILLIAIRE: N/A
			DATE: January 6, 2014
			SCALE / ÉCHELLE: 1:12000



**SCHEDULE A-1
OF ASSET PURCHASE AGREEMENT
LIST OF PINS FOR PURCHASED LANDS**

Parcel A – PIN 32136-0129 (LT)

PT BLK W W OF WILKES TRACT BRANTFORD CITY AS IN CB6091;
BRANTFORD CITY T/W EASE OVER PT 2 2R6299 AS IN BC44809

Parcel B – PIN 32137-0015 (LT)

PT BLK X W OF WILKES TRACT BRANTFORD CITY; PT LT 10 BLK H WILKES
TRACT BRANTFORD CITY; PT LT 1 PL 269 BRANTFORD CITY AS IN CB6091,
CB6146, CB33347 & CB33349; T/W EASE OVER PT 2 2R6299 AS IN BC44809;
BRANTFORD CITY

Parcel C – PIN 32137-0129 (LT)

PT BLK Y W OF WILKES TRACT BRANTFORD CITY; PT LT 13 BLK F WILKES
TRACT BRANTFORD CITY; PT LT 25 BLK F WILKES TRACT BRANTFORD
CITY AS IN CB5905 & CB6012; BRANTFORD CITY

Parcel D – PIN 32137-0175 (LT)

LT 24 BLK E WILKES TRACT BRANTFORD CITY; LT 11 BLK E WILKES
TRACT BRANTFORD CITY; BRANTFORD CITY

Parcel E – PIN 32104-0036 (LT)

PT LT 3 PL 680 BRANTFORD CITY; PT GRAND RIVER NAVIGATION CO LANDS
BRANTFORD CITY; PT LT 37 S/S COLBORNE ST PL CITY OF BRANTFORD,
SEPTEMBER 7, 1892 BRANTFORD CITY; PT LT 38 S/S COLBORNE ST PL CITY
OF BRANTFORD, SEPTEMBER 7, 1892 BRANTFORD CITY; PT LT 39 S/S
COLBORNE ST PL CITY OF BRANTFORD, SEPTEMBER 7, 1892 BRANTFORD
CITY PARTS 3 & 5, 2R1869, PARTS 10 & 12, 2R3987 & PARTS 1, 5, 7 TO 11, 14
TO 16, 2R4924; S/T CB79155 PARTIALLY REL BY A277760; S/T A496341E;
BRANTFORD CITY

Parcel F – PIN 32104-0032 (LT)

PT GRAND RIVER NAVIGATION CO LANDS BRANTFORD CITY PT 4, 2R3544;
BRANTFORD CITY

Parcel G – PIN 32091-0008 (LT)

PT ONEIDA ST PL 16 BRANTFORD CITY AS CLOSED BY BL385; PT BLK E PL 16 BRANTFORD CITY; PT LANE, CANAL LANE E BLK D PL 16 BRANTFORD CITY; PT LT 1-4, 11 BLK D PL 16 BRANTFORD CITY PT 1 & 3, 2R2997; S/T A496341E; BRANTFORD CITY

Parcel H – PIN 32091-0064 (LT)

PT LTS 6,7 & 8 E/S NEWPORT ST, PT LTS 6,7 & 8 W/S E NEWPORT ST. PL 16, PT E NEWPORT ST. PL 16 CLOSED BY CB304, PT LOT P PL 16, PT LOT Q S/S CANAL PL CITY OF BRANTFORD, SEPT. 7, 1892, PT LOT Z PL CITY OF BRANTFORD, SEPT.7, 1892, PLT LT A S/S CANAL PL CITY OF BRANTFORD, SEPT.7,1892, PT GRAND RIVER NAVIGATION LANDS PL CITY OF BRANTFORD, SEPT. 7, 1892 (BEING THE ORIGINAL COVE OF TRAIL RACE) PTS 1,2 & 3 ON 2R-4013 EXCEPT PTS 1-10 INCL. ON 2R-6190; BRANTFORD CITY, S/T A254375, T/W RT OVER PTS 3,5,8 & 10 ON 2R-6190 AS IN BC29459

Parcel I – PIN 32092-0193 (LT)

PT LT 1-8 BLK V PL 108 BRANTFORD CITY PT 1 2R4012; BRANTFORD CITY

Parcel J – PIN 32092-0205 (LT)

PT LT 1-9 BLK U PL 108 BRANTFORD CITY PT 2 2R4012; BRANTFORD CITY

Parcel K – PIN 32094-0263 (LT)

PT LT W EAGLE PLACE PL CITY OF BRANTFORD, SEPTEMBER 7, 1892
BRANTFORD CITY PT 3 2R4012; BRANTFORD CITY

Parcel L – PIN 32102-0014 (LT)

PT LT 2 EAGLES NEST TRACT BRANTFORD CITY; PT GLEBE LT
BRANTFORD CITY; PT LT 5 EAGLES NEST TRACT BRANTFORD CITY; PT
GRAND RIVER NAVIGATION LANDS BRANTFORD CITY; PT LT 19 EAGLES
NEST TRACT BRANTFORD CITY PT 1, 2R4009 AND PARTS 1 & 2, 2R4010;
BRANTFORD CITY

***PINs NOT REGISTERED IN NAME OF CN BUT CONVEYED UNDER ASSET PURCHASE
AGREEMENT:***

PIN 32091-0031 (LT)

LANE BLK 1, PL 16 BRANTFORD CITY; LT 1-13, BLK I PL 16, BRANTFORD
CITY; PT JEX ST PL 16 BRANTFORD CITY AS CLOSED BY A10281; PT LT R

S/S CANAL PL CITY OF BRANTFORD, SEPTEMBER 7,1892, BRANTFORD CITY AS IN A502015; BRANTFORD CITY

PIN 32091-0030 (LT)

PT LT 7 E/S NEWPORT ST., 8 E/S/NEWPORT ST, 9 E/S/NEWPORT ST., 7 W/S E NEWPORT ST, 8 W/S E NEWPORT ST, PLAN 16, BRANTFORD CITY, PARTS 1 AND 2, 2R1795, T/W RO254375, S/T RIGHT IN A110414, S/T RESERVATIONS IN A254375, BRANTFORD CITY

PIN 32091-0043 (LT)

PT LT 8 W/S E NEWPORT ST PL 16 BRANTFORD CITY AS IN CB23098; LYING N OF PT 1 & 2, 2R4013; BRANTFORD CITY

Joshua Schram

From: Alan Waterfield
Sent: Monday, June 10, 2024 2:10 PM
To: Joshua Schram; Miranda Ivany
Subject: FW: Ingenia Rail Properties - Formal Comments for Inclusion in the City's New Draft Zoning By-law
Attachments: Letter to Ingenia re New Zoning By-law June 10 2024.pdf; Ingenia Rail Properties - Formal Comments for Inclusion in the City's New Draft Zoning By-law

FYI and the new Zoning By-law files.
I've also attached the May 28 email with its attachments inside.
Alan

From: Alan Waterfield
Sent: Monday, June 10, 2024 2:05 PM
To: 'Anwar Hussain/Ingenia'
Cc: cynthia.baycetich@cbplanning.ca
Subject: RE: Ingenia Rail Properties - Formal Comments for Inclusion in the City's New Draft Zoning By-law

Hello Anwar,

Please find attached a letter outlining the current and proposed zoning to be applied to the Ingenia rail properties. I hope this information provides you with assurance that the new City of Brantford Zoning By-law will not affect Ingenia's continued use of the railway moving forward. Please let me know if you have any further questions and concerns.

Regards,

Alan Waterfield, MCIP RPP
Manager of Long Range Planning
Planning and Development Services
Phone: (519)759-4150 ext. 5163
Email: awaterfield@brantford.ca
Web: brantford.ca/planning



<https://www.brantford.ca/en/business-and-development/new-zoning-by-law-project.aspx>

*NEW: The fastest way to submit Planning applications is through Cloudpermit (<https://ca.cloudpermit.com>).
Create a free account and start today!*

From: Anwar Hussain/Ingenia
Sent: Tuesday, May 28, 2024 5:28 PM
To: Alan Waterfield
Cc: cynthia.baycetich@cbplanning.ca
Subject: Ingenia Rail Properties - Formal Comments for Inclusion in the City's New Draft Zoning By-law

CAUTION EXTERNAL EMAIL This email originated from outside of the City of Brantford email system. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, please contact the Service Desk at ext. 5555

Hi Alan,

We are sending you attached letter for consideration to be included as part of the City's Draft New Comprehensive Zoning Bylaw with respect to our rail properties. As reference, please find attached list of properties by reference PIN numbers and related map illustrating the location of each.

If you any more information please feel free to email me.

Thanks
Anwar Hussain
Plant Manager
Ingenia Polymers Corp.
565 Greenwich Street
Brantford, ON N3T 5M8
519-758-8941 Ext.1029
Cell 226 802 0072





June 10, 2024

Delivered via Email

Mr. Anwar Hussain
Plant Manager
Ingenia Polymers Corp.
565 Greenwich Street
Brantford, ON N3T 5M8

**Re: Ingenia Polymers Rail Properties
Comments on the City of Brantford's Draft New Zoning By-law**

Dear Mr. Hussain,

Thank you for your May 28, 2024 correspondence providing formal comments regarding the City of Brantford's draft new Zoning By-law with respect to Ingenia Polymer's rail properties.

Planning Staff have reviewed both the existing zoning (Zoning By-law 160-90) and the proposed zoning for the land parcels you identified, and provide details regarding each parcel (A – L) in the chart that follows.

It is important to note that under the General Provisions in both the existing Zoning By-law (found in Section 6.1.1.2) and proposed Zoning By-law (found in Section 3.34 b)), "Rail lines, including tracks, spurs and other rail facilities" are "Uses permitted in all zones". It is stated that the provisions of the By-law shall not apply to prevent the use of land, or to prevent the erection or use of any building or structure for that purpose. The City's approach when zoning Rail lines is generally to provide a zone consistent with the abutting properties, and to use the centre line of the railway right-of-way to delineate where different zones are applied on both sides of the Rail line.

In addition, the setbacks from Rail lines for any building or structure that contains a dwelling unit have been carried forward from the existing Zoning By-law (found in Section 6.30) to the proposed Zoning By-law (found in Section 3.28). These setbacks include 15 metres abutting a branch rail line (such as Ingenia's rail line) and 30 metres abutting a main rail line, and continue to allow the alteration of any existing building or structure within those setbacks which does not result in the creation of an additional dwelling unit.



Parcel	Existing Zoning By-law (160-90)	Proposed Zoning By-law
Parcel A	Mixed Commercial Residential Zone (C3-4); Residential High-Density Zone (RHD-2)	Neighbourhood Low-Rise Zone (NLR); Residential High Rise Zone (RHR)
Parcel B	Mixed Commercial Residential Zone (C3-4); Open Space Type 1 (OS1)	Neighbourhood Low-Rise Zone (NLR); Open Space (OS)
Parcel C	Mixed Commercial Residential Zone (C3-4);	Neighbourhood Low-Rise Zone (NLR)
Parcel D	Mixed Commercial Residential Zone (C3-4); Residential Conversion Zone (RC);	Upper Downtown Zone (UD)
Parcel E	Mixed Commercial Residential Zone (C3-1); Core Commercial Zone (C1- 12); Flood – Core Commercial Zone (F-C1); Flood – Core Commercial Zone (F-C1-12) Note: The zones for land within the floodplain are identified with an F- prefix in the existing Zoning By-law.	Lower Downtown Zone (LD) - with flood overlay applied to the south portion of Parcel E Note: The City is proposing a Flood Protection Overlay map (Schedule B) in the new Zoning By-law to identify land within the floodplain, as opposed using the F- prefix with each zone code. The floodplain limits in the proposed Zoning By-law are consistent with those in the existing Zoning By-law for Parcels E to I and L.
Parcel F	Flood – Core Commercial Zone (F-C1-13)	Lower Downtown Zone (LD) - with flood overlay applied to all of Parcel F
Parcel G	Flood – Core Commercial Zone (F-C1)	Lower Downtown Zone (LD) - with flood overlay applied to all of Parcel G
Parcel H	Flood – Core Commercial Zone (F-C1)	Lower Downtown Zone (LD) - with flood overlay applied to all of Parcel H
Parcel I	Flood – Residential Conversion Zone (F-RC)	Neighbourhood Low-Rise Zone (NLR) - with flood overlay applied to all of Parcel I
Parcel J	Residential Conversion Zone (RC)	Neighbourhood Low-Rise Zone (NLR)
Parcel K	Residential Conversion Zone (RC)	Neighbourhood Low-Rise Zone (NLR)
Parcel L	General Industrial Zone (M2, M2-19, M2-50, M2-51) Flood – General Industrial Zone (F-M2) Flood – Open Space Type 1 (F-OS1)	General Employment Zone(GE); Core Natural Zone (N) - with flood overlay applied to the eastern end of Parcel L



The preceding table identifies the zones applied by the existing and proposed Zoning By-laws to the various parcels, and notes where the floodplain regulations are applicable. As can be seen in the table, only Parcel L currently has industrial zoning (General Industrial Zone) together with a portion zoned Open Space in the existing Zoning By-law. Parcel L will continue in the proposed Zoning By-law within the General Employment Zone and Core Natural Zone. As noted above, the Rail line will continue as a permitted use in all zones. In addition, please note that Ingenia's property at 565 Greenwich Street, and the portion of Parcel L to the south of 565 Greenwich Street, are to be zoned General Employment in the new Zoning By-law.

Further to Parcels A to L, one of the attachments to your letter noted parcels with PIN numbers 32091-0030 (LT), 32091-0031 (LT) and 32091-0043 (LT). These three parcels are currently in the Flood – Core Commercial Zone (F-C1 and F-C1-13) in the existing Zoning By-law, and are proposed to be in the Lower Downtown Zone (LD) with the flood overlay applied in the new Zoning By-law.

In summary, the proposed zoning applied to your property will not impact the ability for the lands to be used for rail purposes.

I hope that this letter provides you with assurance that the new City of Brantford Zoning By-law will not affect Ingenia Polymers' continued use of the railway moving forward. Please let me know if you have any further questions or wish to discuss the information provided above.

Sincerely,

Alan Waterfield, MCIP, RPP
Manager of Long Range Planning
Planning and Development Services
City of Brantford